



**Twinning project MK11/IB/EN/01/R**  
**“Strengthening the administrative capacities on central and local level for  
transposition and implementing new Industrial Emissions Directive 2010/75/EU”**

**This project is funded by the European Union**

## **Draft Law on Control of Emissions from Industry**

**(Component 2; Benchmark 2.1.2)**

**Component 2**  
**Develop primary and secondary environment legislation in accordance with new**  
**Industrial Emissions Directive 2010/75/EU**

Based on the work of:

**Legal Drafting:** Maria Galabova, Hubert Grech, Fritz Kroiss, Boyko Malinov, Ulf Steuber,  
Ingrid Winter

**Member State Project Leader:** Violeta Philippitsch

**Beneficiary Country Project Leader:** Nazim Aliti

**Resident Twinning Adviser:** Clemens Konrad

**RTA-Counterpart:** Besa Tateshi

**Any opinions expressed in this report remain those of the consultant and do not  
necessarily represent the opinion of the European Commission**

All findings, conclusions and recommendations in this report are based on the English translations of the respective Macedonian (legal) texts and the questionnaires filled in by the Beneficiary.

Acknowledgements:

We thank our Macedonian partners for the valuable comments given to this report, which have been incorporated, where appropriate.

**Twinning Project “Strengthening the administrative capacities on central and local level for transposition and implementing new Industrial Emissions Directive 2010/75/EU”**

**Component 2 - Development of the Draft Law on Control of Emissions from Industry**

Version December 2016 (update January 2017 during mission of Boyko Malinov and Fritz Kroiss)

**Chapter I–Common provisions**

**INTRODUCTORY PROVISIONS**

**Article 1**

**Subject of regulation**

(1) This Law shall regulate the rights and the responsibilities of the Republic of Macedonia, of the Municipalities, of the City of Skopje and the Municipalities in the City of Skopje, as well as the rights and the responsibilities of legal and natural persons, concerning the establishment of conditions required to ensure integrated prevention of pollution arising from industrial activities, as well as concerning the conditions on prevention or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of the environment taken as a whole, for the purpose of exercising the right of citizens to a healthy environment.

(2) The Law on General Administrative Procedure shall apply on the procedures stipulated by this Law unless otherwise provided for by this Law.

(3) The Law on Inspection Supervision shall apply in the procedures concerning performance of inspection supervision unless otherwise provided for by this Law.

Amended version of Art. 1 of the Law on Environment
-----------------------------------------------------

**Article 2**

**Scope of the Law application**

(1) This law regulates the issuing of integrated environmental permits for industrial activities giving rise to pollution, the issuing of permits for combustion plants as well as incineration and co-incineration plants, activities using organic solvents and activities producing Titanium Dioxide.

(2) This law does not apply to research activities, development activities and the testing of new products and processes.

(3) Where emissions of a greenhouse gas from an installation are specified in EU legislation governing the EU Emission trading system (in relation to an activity carried out in that installation), the permit shall not include an emission limit value for direct emissions of that gas, unless necessary to ensure that no significant local pollution is caused.

(4) For the protection and improvement of the quality and conditions of the environmental media: soil, water, air; to the areas of the environment, biodiversity and other natural resources, as well as to the protection of the ozone layer and protection against negative anthropogenic impacts on climate system, in addition to the provisions of this Law, the provisions of the Law on Environment and other special laws regulating specific environmental media and areas (hereinafter: special laws) shall also apply, unless otherwise provided for by this law.

(5) Protection of the environmental media and specific areas shall be achieved through undertaking of measures and activities pertaining to the protection against harmful effects specified in this and in the special laws, including:

- performance of different activities,
- pollutants and polluting technologies;
- generation of waste;
- noise and vibrations; and
- significant negative impact on natural values, such as flora and fauna and their habitats

(6) All environmental measures, standards and goals, specified in this or in other laws and in the regulations adopted on the basis thereof, shall be enforced as minimum requirements.

(7) If the provisions of this Law or of other laws or regulations adopted on the basis of them stipulate measures, standards and goals for environment protection and improvement, the measures, the standards and the goals providing for highest level of environment protection and improvement shall be enforced.

This Article is an amended version of Art. 2 of the Law on Environment, with some new elements. The new para. 3 transposes Art. 9 IED.

Para. 3: This paragraph to be introduced once Macedonia participates in the EU ETS System

### **Article 3**

#### **Public interest**

(1) The measures and the activities for protection and improvement of the environment are of public interest.

(2) The Government of the Republic of Macedonia shall provide from the Budget of the Republic of Macedonia financial resources for the protection and the improvement of the environment.

(3) Municipality, the City of Skopje and Municipalities of the City of Skopje shall provide, from their respective budgets, financial resources for the protection and the improvement of the environment.

Based on Art. 3 of the Law on Environment

#### **Article 4**

##### **Objectives of the Law and the manner of their achievement**

(1) The objectives of this Law shall be:

1. Preservation, protection, restoration and improvement of the quality of the environment;
2. Protection of human life and health;
3. Protection of biological diversity;
4. Rational and sustainable utilization of natural resources;
5. Implementation and improvement of measures aimed at addressing regional and global environmental problems.

(2) The objectives referred to in paragraph (1) of this Article shall be achieved particularly by:

1. monitoring, prevention, limitation and elimination of the negative impacts on the environment;
2. Protection and regulation of environmental media, such as air, water and soil;
3. Preservation of the clean environment;
4. Prevention of risks and hazards to the environment;
5. Encouraging the use of renewable natural energy sources;
6. Encouraging the application of cleaner production and use of clean technologies that are most beneficial to the environment;
7. Integrated approach to environmental protection and economic development;
8. Control over activities that may pose a threat to the environment;
9. Harmonization of economic and other interests with the requirements for environment protection and improvement;
10. Public and relevant institutions' involvement in environmental protection and
11. Ensuring transboundary consultation regarding activities which might have a negative environmental impact in the neighbouring countries.

Amended version of Art. 4 of the Law on Environment

## **Article 5**

### **Definitions**

Terms used in this Law shall have the following meaning:

1. Environment shall mean the space with all living organisms and natural resources, i.e. natural and man-made values, their interaction and the entire space in which people live and in which settlements, goods in general use, industrial and other facilities, including the media and the areas of the environment, are situated;
2. Environment protection and improvement shall mean a system of measures and activities (social, political, economic, technical, educational etc.), which provide support and create conditions for protection against pollution and degradation of and impacts on environmental media and individual areas (protection against depletion of the ozone layer, prevention of harmful noise and vibrations; protection against ionising and non-ionising radiation, protection against odour and use and disposal of wastes, and other types of environment protection);
3. Environment pollution shall mean emissions, as a result of human activity, of polluting matters and substances, vibrations, heat or noise, into the air, water or soil that may be harmful to the quality of the environment, human life and health or emission of polluting matters and substances that may cause damage to material property or impair or make impact on biological and landscape diversity and other ways of use of the environment;
4. Pollutants shall mean polluting matters and substances that pollute the environment and are specified in the Pollutants Release and Transfer Register;
5. Polluter shall mean any legal or natural person the activity of which causes, directly or indirectly, pollution of the environment;
6. Environmental quality standard shall mean the set of requirements to be complied with by individual environmental medium, area or part, in a given time and under specified conditions, in a manner set forth in laws and other regulations of the Republic of Macedonia, and in accordance with the international agreements ratified by the Republic of Macedonia;
7. Generally binding rule shall mean emission limit values or other conditions, at least at sector level, that are adopted with the intention of being used directly to set permit conditions;
8. Competent Authority shall mean body of the state administration responsible for the affairs of the environment unless otherwise mentioned in this law;
9. Substance shall mean any chemical element and its compounds, except radioactive substances and substances contained in genetically modified organisms;
10. Hazardous substance shall mean a substance or a preparation containing one or more hazardous substances the properties of which pollute and damage the environment and are hazardous to human life and health, with proven acute, chronic, toxic and other harmful effects;

Comment: The IED makes reference to Art. 3 of the Regulation (EC) No. 1272/2008 (CLP Regulation). Please make this reference also here if according to the Macedonian constitutional framework such reference can be made.

11. Environmental areas shall mean the nature, the waste, the noise, the vibrations, the ionising and non-ionising radiation, the climate, the odour and all other elements constituting integral part of the environment;
12. Environmental media shall mean the water, the air and the soil;
13. Environmental monitoring shall mean systematized measuring, monitoring and control of conditions, quality and changes of environmental media and areas;
14. Quality of the environment shall mean the state of the environment expressed by way of physical, chemical, aesthetic and other indicators;
15. Immission shall mean concentration of pollutants and substances in the environmental media in a specific place and at a specific time;
16. Emission shall mean the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation into air, water or land;
17. Emission limit values shall mean the mass, expressed in terms of certain specific parameters, concentration and/or level of emission, which shall not be exceeded during one or more periods of time;
18. Natural person shall mean individual dealer, performer of professional activity and citizen;
19. Chemicals shall mean substances and preparations;
20. Harmful impact and activity shall mean any negative impairment of the quality of environmental media and areas;
21. Environmentally harmful substance shall mean a biological or physical agents or phenomenon/state the presence of which in the environment may induce direct or postponed threat to or pollution of one or more environmental media or areas, as well as other irritant, inflammable and explosive matters which exhibit such properties when of certain quantity, concentration or intensity;
22. The public shall mean one or more legal and/or natural persons, citizens and their organizations and associations established in accordance with the law;
23. The public concerned shall mean the public affected or likely to be affected by or having an interest in the taking of a decision on granting or amendment of a permit or of permit conditions. The public concerned shall include the citizens' associations established for the purpose of environment protection and improvement, as well as individual with regard to whom there is a high probability of exposure to the effects of decision making;
24. Acceptable condition shall mean the achievement of environmental media or area quality status that meets the quality standards required as necessary for the purpose of the medium or the area use;

25. Bodies shall mean the bodies of the state administration and the bodies of the local self-government that hold authorisations, under this or another law, to adopt regulations and other acts necessary for the implementation of this or other law;
26. Applicant shall mean the legal or natural person who applies for a permit or for a permit relating to the substantial change of an installation or for the registration (VOC) of an installation;
27. Operator shall mean any natural or legal person who operates or controls in whole or in part the installation or combustion plant, waste incineration plant or waste co-incineration plant or, where this is provided for in the national law, to whom decisive economic power over the technical functioning of the installation or plant has been delegated;
28. Environmental impact assessment shall mean assessment of possible environmental impacts by certain planning documents, projects and planned activities;
29. Installation shall mean a stationary technical unit where one or more prescribed activities or directly related activities are carried out, and which might have an effect on emissions and on pollution;
30. Existing installation shall in relation to integrated environmental permits mean an installation that has been operating before the entry into force of this law and in accordance with the transitional provisions of Art. 42 of this law;
31. Change in the operation shall mean a change in the nature of functioning, or an extension of the installation, which may have an impact on the environment;
32. Substantial change shall mean a change in the nature or functioning, or an extension, of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant negative effects on human health or the environment;
33. Best Available Techniques (BAT) shall mean the most effective and advanced stage in the development of activities and methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, to reduce emissions and the negative impact on the environment. Thus:
- techniques shall include the technology used and the way in which the installation is designed, maintained, operated, and decommissioned (termination of installation's activities);
  - available techniques shall mean the level of development of the techniques applied in the relevant industrial sector, under economic and technical cost effective conditions, with full account taken of the costs and benefits, irrespective of whether the techniques are used, or developed and/or produced in the Republic of Macedonia, provided that they are reasonably available to the operator.
  - best shall mean those techniques which are the most effective in achieving a high general level of protection of the environment as a whole;
34. BAT reference document shall mean a document developed on EU level for defined activities and describing, in particular, applied techniques, present emissions and consumption levels, techniques considered for the determination of best available techniques



as well as BAT conclusions and any emerging techniques, giving special consideration to the criteria listed in Art. 26 of this law;

35. BAT conclusions shall mean a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;

36. Emission levels associated with the best available techniques shall mean the range of emission levels obtained under normal operating conditions using a best available technique or a combination of best available techniques, as described in BAT conclusions, expressed as an average over a given period of time, under specified reference conditions;

37. Emerging technique shall mean a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment or at least the same level of protection of the environment and higher cost savings than existing best available techniques;

38. Permit shall mean a part, or the full decision in writing (or several such decisions) with which an authorization is granted to operate all or a part of an installation, subject to certain conditions which guarantee that the installation complies with the requirements established by this or other Law. The permit may cover one or more installations, or parts of installations on the same site, operated by the same operator;

39. Baseline report shall mean information on the state of soil and groundwater contamination by relevant hazardous substances;

40. Groundwater shall mean all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil

41. Soil shall mean the top layer of the Earth's crust situated between the bedrock and the surface. The soil is composed of mineral particles, organic matter, water, air and living organisms;

42. Environmental inspection shall mean all actions, including site visits, monitoring of emissions and checks of internal reports and follow-up documents, verification of self-monitoring, checking of the techniques used and adequacy of the environment management of the installation, undertaken by or on behalf of the competent authority to check and promote compliance of installations with their permit conditions and, where necessary, to monitor their environmental impact;

43. Poultry shall mean fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants and partridges reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for re-stocking supplies of game

44. Fuel shall mean any solid, liquid or gaseous combustible material;

45. Combustion plant shall mean any technical apparatus in which fuels are oxidised in order to use the heat thus generated;

46. Stack shall mean a structure containing one or more flues providing a passage for waste gases in order to discharge them into the air;
47. Operating hours shall mean the time, expressed in hours, during which a combustion plant, in whole or in part, is operating and discharging emissions into the air, excluding start-up and shut-down periods;
48. Rate of desulphurisation shall mean the ratio over a given period of time of the quantity of sulphur which is not emitted into air by a combustion plant to the quantity of sulphur contained in the solid fuel which is introduced into the combustion plant facilities and which is used in the plant over the same period of time;
49. Indigenous solid fuel shall mean a naturally occurring solid fuel fired in a combustion plant specifically designed for that fuel and extracted locally;
50. Determinative fuel shall mean the fuel which, amongst all fuels used in a multi-fuel firing combustion plant using the distillation and conversion residues from the refining of crude-oil for own consumption, alone or with other fuels, has the highest emission limit value as set out in Part 1 of the Ordinance on Technical Provisions relating to Combustion Plants, or, in the case of several fuels having the same emission limit value, the fuel having the highest thermal input amongst those fuels;

The reference to the ordinance needs to be checked and adapted once the name and reference number have been determined.

51. Biomass shall mean any of the following:
- (a) products consisting of any vegetable matter from agriculture or forestry which can be used as a fuel for the purpose of recovering its energy content;
- (b) the following waste:
- (i) vegetable waste from agriculture and forestry;
- (ii) vegetable waste from the food processing industry, if the heat generated is recovered;
- (iii) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the heat generated is recovered;
- (iv) cork waste;
- (v) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coating and which includes, in particular, such wood waste originating from construction and demolition waste;
52. Multi-fuel firing combustion plant shall mean any combustion plant which may be fired simultaneously or alternately by two or more types of fuel;

53. Gas turbine shall mean any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor, a thermal device in which fuel is oxidised in order to heat the working fluid, and a turbine;
54. Gas engine shall mean an internal combustion engine which operates according to the Otto cycle and uses spark ignition or, in case of dual fuel engines, compression ignition to burn fuel;
55. Diesel engine shall mean an internal combustion engine which operates according to the diesel cycle and uses compression ignition to burn fuel;
56. Small isolated system shall mean any system with consumption of less than 3 000 GWh in the year 1996, where less than 5 % of annual consumption is obtained through interconnection with other systems;

Comment: This definition could be deleted if not relevant for the Macedonian context.

57. Waste shall mean waste as defined in Art. 6 no. 1 of the Waste Act;
58. Hazardous waste shall means hazardous waste as defined in Art. 6 no. 2 of the Waste Act
59. Mixed municipal waste shall mean waste from households as well as commercial, industrial and institutional waste which, because of its nature and composition, is similar to wastefrom households, but excluding fractions indicated under heading 20 01 of the List of Types of Waste (Official Gazette of Republic of Macedonia no. 68/2004 and 71/2004) and excluding the other waste indicated under heading 20 02 of that Annex;
60. Waste incineration plant shall mean any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;
61. Waste co-incineration plant shall mean any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which useswaste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;
62. Nominal capacity shall mean the sum of the incineration capacities of the furnaces of which a waste incineration plant or a waste co-incineration plant is composed, as specified by the constructor and confirmed by the operator, with due account being taken of the calorific value of the waste, expressed as the quantity of waste incinerated per hour;
63. Dioxins and furans shall mean all polychlorinated dibenzo-p-dioxins and dibenzofurans listed in the Rulebook on Limit Values on Emissions in Waste Incineration and Conditions and Manner of Operation of Installations for Incineration and Co-Incineration;

The reference to the RLVEWI needs to be checked and adapted once the name and reference number have been determined.

64. Organic compound shall mean any compound containing at least the element carbon and one or more of hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, with the exception of carbon oxides and inorganic carbonates and bicarbonates;

65. Volatile organic compound shall mean any organic compound as well as the fraction of creosote, having at 293,15 K a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use;

66. Organic solvent shall mean any volatile organic compound which is used for any of the following:

(a) alone or in combination with other agents, and without undergoing a chemical change, to dissolve raw materials, products or waste materials;

(b) as a cleaning agent to dissolve contaminants;

(c) as a dissolver;

(d) as a dispersion medium;

(e) as a viscosity adjuster;

(f) as a surface tension adjuster;

(g) as a plasticiser;

(h) as a preservative;

67. Coating shall mean any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to provide a decorative, protective or other functional effect on a surface;

68. For the purpose of chapter V of this Law existing installation shall mean any installation receiving the initial construction permit or, if such procedure does not exist, initial operating permit prior to July 1st, 2007;

Date to be decided by beneficiary.
------------------------------------

69. Waste gases containing volatile organic compounds shall mean the final gaseous discharge containing volatile organic compounds or other pollutants from a stack or abatement equipment into air;

70. Fugitive emissions shall mean any emissions not in waste gases of volatile organic compounds into air, soil and water as well as solvents contained in any products, unless otherwise stated in the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents;

The reference to the ordinance needs to be checked and adapted once the name and reference number have been determined.
-------------------------------------------------------------------------------------------------------------------------

71. Total emissions shall mean the sum of emissions in waste gasses and fugitive emissions;

72. Preparation shall mean mixtures or solutions composed of two or more substances;

73. Adhesive shall mean any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to adhere separate parts of a product;

74. Ink shall mean a preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used in a printing activity to impress text or images on to a surface;

75. Varnish shall mean a transparent coating;

76. Solvent consumption shall mean the total input of organic solvents into an installation per calendar year, or any other 12-month period, less any VOCs that are recovered for reuse;

77. Input of organic solvents shall mean the quantity of organic solvents and their quantity in preparations used when carrying out an activity, including the solvents recycled inside and outside the installation, and which are counted every time they are used to carry out the activity;

78. Reuse of organic solvents shall mean the use of organic solvents recovered from an installation for any technical or commercial purpose and including use as a fuel but excluding the final disposal of such recovered organic solvent as waste;

79. Contained conditions shall mean conditions under which an installation is operated such that the VOCs released from the activity are collected and discharged in a controlled way either via a stack or abatement equipment and are therefore not entirely fugitive;

80. Start-up and shut-down operations shall mean operations whilst bringing an activity, an equipment item or a tank into or out of service or into or out of an idling state. Regularly oscillating activity phases are not to be considered as start-ups and shut-downs;

81. Emission limit value of volatile organic compounds shall mean the mass of volatile organic compounds, expressed in terms of certain specific parameters, concentration, percentage and/or level of an emission, calculated at standard conditions, which may not be exceeded during one or more periods of time. The emission limit values which are expressed as concentrations in mass per cubic meter ( $\text{Nm}^3$ ) shall be calculated at a temperature of 273,15 K, and a pressure of 101,3 kPa;

82. Mass flow rate of volatile organic compounds shall mean the quantity of released volatile organic compounds as the mass per hour, expressed in kg/h or g/h, calculated at a temperature of 273,15 K, and a pressure of 101,3 kPa.

83. Halogenated organic solvent shall mean an organic solvent which contains at least one atom of bromine, chlorine, fluorine or iodine per molecule.

In this Article definitions from Art. 5 of the Law on Environment as far as relevant in the context of this law can be found, together with new or amended definitions from Art. 3 of the IED. Definitions related to LCPs, WI and VOC have been included.

Para. 8: If other authority is competent this has to be mentioned e.g. inspectorate, B-authority/municipality

Para. 10 (2 versions): The question is if the List exists. If not the shorter and more abstract

definition should be used.  
 Paras. 44-56: LCP definitions  
 Para 56: Do these exist in Macedonia? If not, definition needed?  
 Paras. 57-63: WI Definitions  
 Paras 59, 63: References to EU legislation that have to be replaced  
 Paras 64-84: VOC definitions  
 Para 69: Article 4 No. 10 of RB stat. sources; timeframes are not according to Art. 57 No. 1 of IED - have to be decided on national level.  
 Para. 70: Article 4 No. 9 of RB Stat. Sources, resp. Art. 57 No. 2 of IED  
 Para. 70: "vapors" is not needed; reference should normally (if not otherwise indicated) be made to dry waste gas (i.e. after subtraction of vapour content)  
 Para 70: Should preferably be included in regarding Annex (if needed there). If needed in this Law, "volumetric flow rate" should be a separate definition.  
 Para. 82: Article 4 No. 4 of RB stat. sources  
 Para. 83: Article 4 No. 6 of RB stat. sources  
 Para. 84: Article 4 Nr. 54 of RB stat. sources; there is no analogous definition included in IED.

## II. PRINCIPLES OF ENVIRONMENTAL PROTECTION

### Article 6

#### Principle of high level of protection

Everyone shall, when undertaking activities or while performing activities, ensure a high level of protection of the environment and the human life and health.

Taken from Art. 6 of the Law on Environment

### Article 7

#### Principle of integrated prevention and control of pollution arising from industrial activities

Permits and permit conditions shall be fully coordinated and harmonized where more than one permitting requirement is applicable or more than one operator is involved or more than one permit is granted, in order to guarantee an effective integrated approach by all authorities competent for this procedure.

Transposition of Art. 5 para 2 IED

### Article 8

#### Principle of sustainable development

When an activity is undertaken or performed, care shall be taken as to the rational and sustainable use of natural resources so as to ensure that needs for a healthy environment, as well as the social and economic needs of the present generations are satisfied without jeopardising the rights of future generations to satisfy their own needs.

Taken from Art. 8 of the Law on Environment

### **Article 9**

#### **The polluter pays principle**

The polluter shall compensate the costs associated with the elimination of the danger of the environment pollution, bear the remedial costs and pay a fair compensation for the damage caused to the environment, as well as to restore the environment to as close as possible to the condition before the damage.

Taken from Art. 9 of the Law on Environment

### **Article 10**

#### **Principle of subsidiarity**

Municipalities, the City of Skopje and the municipalities of the City of Skopje shall have, within the scope of their competences stipulated by law, the right and the obligation to undertake on their territories all measures and activities of environmental protection and improvement which are not under the exclusive competence of state authorities.

Taken from Art.11 of the Law on Environment

### **Article 11**

#### **Principle of proportionality**

The system of environmental protection shall be based on adoption and enforcement of laws, plans, programmes and decisions, which provide proportionality between developmental and environmental protection needs.

Taken from Art.12 of the Law on Environment

### **Article 12**

#### **Principle of precaution**

If there is a rational doubt that a certain activity may cause harmful consequences on the environment, necessary measures for protection of the environment shall be undertaken, before available scientific evidence that such consequences could occur becomes available.

Taken from Art.13 of the Law on Environment

**Article 13****Principle of prevention**

Measures and activities of environmental protection shall be taken prior to the occurrence of adverse effects by establishing rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of the environment taken as a whole.

Taken from Art.14 of the Law on Environment

**Article 14****Principle of cleaner production**

Application of comprehensive environmental protection strategy concerning raw materials, production processes, products and services, shall be encouraged, so as to reduce the risk to human life and health and the environment and increase the economic and ecological efficiency.

Taken from Art.15 of the Law on Environment

**Article 15****International cooperation principle**

The Republic of Macedonia shall participate actively in bilateral, regional and broader international cooperation in the sphere of environment protection from potentially harmful activities and related improvements and shall in this regard undertake appropriate activities.

Taken from Art.16 of the Law on Environment

**Article 16****Public participation and access to information principle**

The bodies of the central government and the bodies of the municipalities and of the City of Skopje and of the municipalities of the City of Skopje shall take all the necessary measures and prescribe procedures to ensure the right of public to have access to information and participation in the adoption of decisions related to potentially harmful activities and pollution arising from industrial activities, as well as to ensure that the public expresses their opinion in decision-making processes through such decision making procedures.

Taken from Art.17 of the Law on Environment



## **Article 17**

### **General principle on activities performance**

- (1) The following activities shall be prohibited on the territory of the Republic of Macedonia:
  - Construction, substantial change and operation of installations, without prior obtained permit, as far as such permit is required by the law, and without prior fulfilment of applicable environmental legislation, including permit conditions, as well as legally binding technical norms and standards;
  - Production, treatment and release of pollutants and substances into the environment, except in a manner and under the conditions laid down in the law.
- (2) The competent authority shall grant a permit if the installation complies with the requirements of this law and other applicable legislation.
- (3) By way of derogation from the first subparagraph a procedure for the registration of installations using organic solvents is provided for in this law.
- (4) Special provisions of this law provide for transitional periods for existing installations

Based on Art. 20 of the Law on Environment (amended and shortened).

## **Article 18**

### **Principle of prevention of accidents and incidents and of mitigation of their consequences**

- (1) In the event of any incident or accident significantly affecting the environment, the operator is obliged to:
  - a) Inform the competent authority immediately
  - b) Immediately takes measures to limit the environmental consequences and to prevent further incidents and accidents
- (2) The competent authority shall require the operator to take any appropriate complementary measures necessary to limit the environmental consequences and to prevent further incidents and accidents.

This new article transposes Art. 7 IED.

## **Article 19**

### **Principle of permit conditions compliance**

- (1) The competent authority shall ensure that the permit conditions are complied with, as defined by this law and other applicable legislation.
- (2) In the event of breach of permit conditions, the operator is obliged to:
  - a) Inform the competent authority immediately

b) Immediately takes the measures necessary to ensure that compliance is restored within shortest possible time

(3) The competent authority shall require the operator to take any appropriate complementary measures necessary to restore compliance.

(4) Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment the competent authority shall suspend the operation of the installation concerned or of its relevant part until compliance is restored.

This new Article transposes Art. 8 IED.

## **Article 20**

### **Safeguard clause**

For the purposes of protection of human life and health and the environment, the bodies of the central government and the bodies of the municipalities and of the City of Skopje and of the municipalities of the City of Skopje shall, in accordance with the law, have the right and the obligation to undertake measures and activities related to the temporary or the permanent prohibition of the performance of certain activities.

Based on Art. 19 of the Law on Environment

## **III. SPECIAL OBLIGATIONS AND MEASURES RELATED TO PUBLIC INFORMATION AND PARTICIPATION**

### **Article 21**

#### **Public participation in the permitting procedure**

The bodies in charge of permitting procedures in accordance with the provisions of this Law, which provide for public participation, shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:

- (a) the granting of a permit for new installations;
- (b) the granting of a permit for any substantial change;
- (c) other cases of granting or updating of a permit for an installation in accordance with this law.

Updated Art. 26-a from Macedonian LE.

## Chapter II - Integrated pollution prevention and control

### I. General Provisions

#### Article 22 (ex Art. 95) Scope

(1) This Chapter shall apply to new and existing installations and to substantial changes of installations, specified by the Government of the Republic of Macedonia. Activities in such installations shall be performed only upon prior obtained integrated environmental permit.

(2) The permit referred to in paragraph (1) of this Article shall be issued as A integrated environmental permit by the body of the state administration responsible for the affairs of the environment or as B integrated environmental permit issued by the municipality or by the City of Skopje or the body of the state administration responsible for the affairs of the environment when the installation is situated in the protected areas as defined in the Law on Nature Protection.

While Art. 2 defines the overall scope of the New Law on Control of Emissions from Industry this article defines the scope of the IPPC chapter of this law.

#### Article 23 General principles governing the basic obligations of the operator (new, based on Art. 11 IED)

Regarding operation of installations for which an integrated environmental permit is required the following principles apply:

- (a) all the appropriate preventive measures are taken against pollution;
- (b) the best available techniques are applied;
- (c) no significant pollution is caused;
- (d) the generation of waste is prevented in accordance with applicable waste legislation;
- (e) where waste is generated, it is, in order of priority and in accordance with applicable legislation, prepared for re-use, recycled, recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
- (f) energy is used efficiently;
- (g) the necessary measures are taken to prevent accidents and limit their consequences;
- (h) the necessary measures are taken upon definitive cessation of activities to avoid any risk of pollution and to return the site of operation to the satisfactory state defined in accordance with Article 54 of this law.

**Article 24 (ex Art. 121a)**  
**Co-ordination of permitting procedures and integration of conditions from other permits, approvals and/or consents**

(1) Permit conditions and the procedures for the granting of the permit shall be fully coordinated where more than one competent authority or more than one operator is involved or more than one permit is granted, in order to guarantee an effective integrated approach by all authorities competent for this procedure.

(2) Where for the purpose of certain activities performance of the installations that shall hold A integrated environmental permit is conditioned by prior obtaining of another permit, approval and/or consent by another body, the operator shall submit those to the body of the state administration responsible for the affairs of the environment. The conditions and the measures specified in the other permit, approval and/or consent shall be taken into account when issuing the A integrated environmental permit.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall issue a guidance document on the application of this provision. This guidance document shall among other issues clarify which permits are not be integrated into the integrated permit, such as construction permits, water abstraction permits, energy supply related permits, etc.

Para 1: Transposition of Art. 5 para 2 IED, in the present law Art. 7 determines the principle, here it is the operative provision  
 Para 2: Former 121a para 2 LE with modifications  
 Para 3: A guidance document is suggested which shall facilitate practical application

**Article 25**  
**Introduction of the BAT conclusions**

(1) Upon proposal of the The Minister managing the body of the state administration responsible for the affairs of the environment the Council of ministers endorses the BAT conclusions, adopted by implementing decisions of the European Commission and published in the Official Journal of the European Union

(2) The endorsement shall enter into force not later than 6 months after the publication of the respective BAT conclusions in the Official Journal of the European Union.

Initially based upon the discussion with the BC partner the role of the Commission had been re-defined in a way as to determine that it should in the future only provide "guidance and support on BAT". According to this concept such support could be preparatory work for secondary legislation on BAT. Based on further discussion with the BC held on 17.01.2017 it was proposed to dismiss the further involvement of the "Commission". According to the new BAT-concept on EU level BAT conclusions shall be adopted and published in the Ofical Journal in all official languages of the Union. Those decisions shall be directly used by the member states. For the correct implementation of the IED in Macedonia, since Macedonia is not an EU MS yet, a legally correct way to introduce the adopted BAT conclusions needs to be found. BAT conclusions shall become legally binding in Macedonia without any changes in their wording and meaning and without translation into Macedonian, if legally possible. If

the documents need to be translated into Macedonian it should be ensured that they are simply translated and not modified or adapted to Macedonian needs, as this process would be very time and resource consuming. Legal experts of the BC to be involved for legal wording meeting the requirements of the Constitutional Framework of Macedonia.

**Article 26 (new, based on Art. 6 IED)  
Best Available Techniques (BAT)**

In cases

- a) where an activity or a type of production process carried out within an installation is not covered by any of the BAT conclusions or where those conclusions do not address all the potential environmental effects of the activity or process, or
- b) where the operator chooses to opt for a BAT not described in the respective BAT Reference Document

BAT is determined by giving special consideration to the following criteria:

1. The use of low-waste technology;
2. The use of less hazardous substances;
3. The furthering of recovery and recycling of substances generated and used in the process and of waste, where appropriate;
4. Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
5. Technological advances and changes in scientific knowledge and understanding;
6. The nature, effects and volume of the emissions concerned;
7. The commissioning dates for new or existing installations;
8. The length of time needed to introduce the best available technique;
9. The consumption and nature of raw materials (including water) used in the process and energy efficiency;
10. The need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it;
11. The need to prevent accidents and to minimise the consequences for the environment;
12. Information published by public international organisations.

In line with the requirements of Art 15 par 3 and par 4 of the IED two cases have been defined where permit conditions are not based on BAT conclusions, but are defined individually, based on a list of criteria defined in Annex III of the IED and transposed in this Article.

## II. Application for A integrated permit

### Article 27 (ex Art. 96) Submission of application for A integrated permit

(1) The application for A integrated environmental permit (hereinafter: application) shall be submitted to the body of the state administration responsible for the affairs of the environment in hard copy and in electronic form.

(2) The application shall contain among other relevant information and as appropriate in the individual case

1. Information about the operator/applicant;
2. Description of the installation, its technical units and directly related activities;
3. Management and control of the installation;
4. Raw and auxiliary materials, other substances and energies used or produced within the installation;
5. Materials handling;
6. The sources of emissions;
7. Site conditions and impact of the activity;
8. Where applicable a baseline report in accordance with Article 54 of this Law;
9. The nature and quantities of foreseeable emissions from the installation into each medium as well as identification of significant effects of the emissions on the environment
10. Description of the technologies and other prevention techniques or, if that is not practicable, the reduction of the emission of pollution;
11. Measures for the prevention, preparation for re-use, recycling and recovery of waste generated by the installation
12. Emissions monitoring and sampling points;
13. Environmental considerations and BAT;
14. Description of other planned prevention measures to comply with the general principles of the basic obligations of the operator as provided for in Article 23 of this law.
15. the main alternatives to the proposed technology, techniques and measures studied by the applicant in outline
16. Proposed measures regarding remediation, de-commissioning, restoration and aftercare;
17. Non-technical summary for points 1 to 12;
18. Declaration; and
19. Tables and Annexes that depict the information contained in this sub-Article.

(3) In addition to the data referred to in Paragraph (2) of this Article, the operator shall attach to the application appropriate documentation.

(4) The state administration body responsible for environment may ask the operator to add to the application other data that are not included in Paragraph (2) of this Article, if such data are necessary for clarification of the data in the application.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment may prescribe further details related to the submission of the application and documentation attached to the application referred to in paragraph (1) of this Article.

(6) When preparing the application the applicant may attach documents prepared in the Environmental Impact Assessment Procedure or related to obligations relating to Seveso installations or make reference to permits issued as part of those procedures.

This article is based upon the existing Art. 96 of the LE and was updated in line with the requirements of the IED, amongst others the requirement to provide a baseline report (Art. 22 IED).

Furthermore, taking into account the new Macedonian Law on Administrative Procedures (substance should be contained directly in the law, not in by-laws), the requirements for the contents of the permit applications have been transferred to this Article from the Ordinance on the Procedure for issuing A-integrated Environmental Permits (ex. Art. 3). Further details in bylaw only if deemed to be necessary. It is suggested not to prescribe an application template in a legally binding manner, as there will be the need to further develop and amend the template in the course of gaining further experience with the new permitting approach based on BAT. So the template should have the character of a living document.

Para. 6: This is an option offered to the operator under the IED and no obligation.(see Art 12 par. 2 IED).

### **Article 28 (ex Art. 97)**

#### **Handling of A Integrated Environmental Permit application**

(1) Within **30 days** from the date of receipt of the application referred to in Article 27, the body of the state administration responsible for the affairs of the environment shall by a statement determine which additional data should be provided to the application, and depending on the type of deficiencies and data availability, determine a period for supplementing the application which shall not be shorter than **15 days** and not longer than 45 days from the date of statement receipt.

(2) In case the applicant fails to act in accordance with the statement referred to in paragraph (1) of this Article, the body of the state administration responsible for the affairs of the environment shall by decision reject the application as incomplete.

(3) In case the body of the state administration responsible for the affairs of the environment has issued the statement for amendment of the application, the period within which the A integrated environmental permit shall be issued starts from the date of submission of the receipt of the amended application supplemented by data specified in the statement referred to in paragraph (1) of this Article.

Currently IPPC permitting procedure lasts average 90 days in EU countries. BC suggests expanding IPPC procedure in Macedonia to 9 months/270 days. Longer times frames for the permitting procedure in Macedonia could be justified by the fact that there are 2 rounds of public consultation in Macedonia, one on the permit application and one on the draft permit which of course requires more time. In most EU MS, including Austria, there is only one round of public consultation.

Expert judgement of Austrian Twinning STEs from Styria: There are no EU requirements for the duration of the procedure. Best practice example from Austria: up to now it was 6 months for procedure, now it will be shortened to 4 months (draft amendments prepared by the government in 2016). 9 months seem a bit too long!

If required suggestions for changes of timeframes for the different steps of the procedure should be made by BC. In this draft time frames remain unchanged compared to current procedure.

### **Article 29 (ex Art. 98) Processing of the application**

(1) The body of the state administration responsible for the affairs of the environment shall within **five working** days submit a copy of the completed application – if appropriate in electronic form - to:

- the body of the state administration responsible for the affairs of the health;
- the bodies of the state administration responsible for the activities to be performed in the installation (hereinafter: other competent bodies);
- the municipality or the City of Skopje on the territory of which the installation will be developed;
- the State Environment Inspectorate.

(2) The bodies referred to in paragraph (1) indents 1, 2 and 3 of this Article shall be requested to submit their opinions and comments concerning the application within 30 days after receipt of the copy of the application. These comments shall be taken into account by the authority when drafting the A integrated environmental permit.

(3) In case the state bodies referred to in paragraph (1) of this Article fail to submit the written opinions in the given time frame, it shall be considered that they have no comments on the application.

- Time frames have been added were missing.
- Electronic delivery of documents should be encouraged!
- Making available the application to NGOs is comprehensively regulated in the next Article and therefore deleted here.

### **Article 30 (ex Art. 99) TO BE DOUBLE CHECKED**

#### **Publication of the application for issuing an A integrated environmental permit**

(1) The body of the state administration responsible for the affairs of the environment shall announce the fact that an application has been made in at least two daily newspapers available throughout the territory of the Republic of Macedonia, one of which shall be in the language which at least 20% of the citizens who speak an official language other than Macedonian speak, as well as publish on their own Internet website within seven days from the day of receipt of completed application. The costs of publication in the daily newspaper shall be borne by the applicant.

(2) The announcement shall include in particular the following data:



(a) where the application for a permit or the proposal for the updating of a permit or of permit conditions can be downloaded or studied in hard copy;

(b) where applicable, the fact that a decision is subject to a national or transboundary environmental impact assessment or to consultations between Member States;

(c) details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions;

(d) the nature of possible decisions or, where there is one, the draft decision;

(e) where applicable, the details relating to a proposal for the updating of a permit or of permit conditions;

(f) an indication of the times and places where, or means by which, the relevant information will be made available;

(g) details of the arrangements for public participation and consultation made

(3) The state administration body responsible for environment shall publish the application for issuing "A" integrated environmental permit – except the parts as specified in para 5 below - on its website within seven days from the day of receipt of completed application.

(4) The announcement referred to in Paragraph (1) of this Article shall have a standard form and size, visible for the public.

(5) The body of the state administration responsible for the affairs of the environment shall provide in parallel with the announcement of the application, public access to the entire application as provided by the operator, with the exception of confidential information containing business secrets marked as such by the operator, in electronic form via the internet and in hard copy at dedicated locations in the Ministry in charge of Environmental Protection and in the offices of the Municipality where the installation is located. Access shall at least be provided to the public concerned, including citizens' associations established for the purposes of environment protection

- Taking into account the new Macedonian Law on Administrative Procedures, the requirements for contents of the announcement of the application have been transferred to this Article from the Ordinance on the Procedure for issuing A-integrated Environmental Permits (ex. Art 6).

- The Article has been updated to implement the requirement of Annex IV IED

- The entire application shall be made available with the exception of business secrets. This is in line with Austrian best practice. With this solution it can be avoided that the authority has to extract information from the application and to make this selection of information available to the public, as seems to have been the case in Macedonia until now.

### **Article 31 (ex Art. 101)**

#### **Handling of application in case of a transboundary impact when the installation is on the territory of the Republic of Macedonia**

(1) When the body of the state administration responsible for the affairs of the environment concludes, on the basis of the content of the application, that the performance of the activities in the installations subject to A integrated environmental permit is likely to have a significant negative effect on the environment on the territory of another country, it shall in observance of the obligations assumed by the Republic of Macedonia under the ratified international agreements, submit to the competent authorities of that country the entire application in electronic form as well as

- a) details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions;
- b) the nature of possible decisions or, where there is one, the draft decision;
- c) where applicable, the details relating to a proposal for the updating of a permit or of permit conditions;
- d) an indication of the times and places where, or means by which, the relevant information during the further steps of the procedure will be made available;
- e) details of the arrangements for public participation and consultation
- f) an invitation for participation in the procedure, and a term of 30 days for notification of the acceptance or refusal of the invitation for participation.

(2) After receiving a notification of interest in participation in the procedure or upon receiving a request for participation in the procedure, the body of the state administration responsible for the affairs of the environment shall provide for the competent authority of the foreign country equal treatment with regard to the participation in the procedure as for the domestic public.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the procedures referred to in paragraphs (1) and (2) of this Article.

This Article has been updated in the light of the requirements of Article 26 and Annex IV of the IED.

### **Article 32 (ex Art. 102)**

#### **Handling of application in case of a transboundary impact when the installation is on the territory of another country**

(1) When the body of the state administration responsible for the affairs of the environment receives a notification from another country that a procedure has been initiated for the issuance of an integrated pollution prevention and control permit in respect of an installation the operation of which could have an adverse impact on human life and health and on the

environment on the territory of the Republic of Macedonia, it shall immediately initiate a procedure for assessment of the impact on the Republic of Macedonia by the operation of such installation.

(2) When the body of the state administration responsible for the affairs of the environment finds out that the installation referred to in paragraph (1) of this Article could have an adverse impact on human life and health and on the environment on the territory of the Republic of Macedonia, it shall immediately notify the competent authority of the other country of the intention of the body of the state administration responsible for the affairs of the environment and of the relevant institutions and the concerned public in the Republic of Macedonia to participate in the procedure for the issuance of the integrated pollution prevention and control permit in the manner and under the conditions provided for in the regulations of that country.

(3) When the body of the state administration responsible for the affairs of the environment, or another relevant body or institution of the Republic of Macedonia learn about the installation referred to in paragraph (1) of this Article, they shall immediately inform the body of the state administration responsible for the foreign affairs of the Republic of Macedonia which shall submit an official notification to the competent authority of the other country, in order to enable participation in the procedure referred to in paragraph (2) of this Article.

### **Article 33 (ex Art. 103)** **Submission of opinions on the application**

(1) The public concerned may, within **30 days** from the announcement of the application, submit their written opinions and comments.

(2) When preparing the A integrated environmental permit, the body of the state administration responsible for the affairs of the environment shall not be obliged to take into consideration the opinions submitted after the expiry of the term specified in paragraph (1) of this Article.

(3) The body of the state administration responsible for the affairs of the environment shall indicate in the explanatory part of the integrated environmental permit the opinions and comments submitted by the public that have or have not been taken into consideration, and the reasons to that effect.

(4) Upon request of the body of the state administration responsible for the affairs of the environment the operator shall organize a public hearing within **15 days** after the expiry of the term referred to in paragraph (1) of this Article.

**Article 34 (new)****METHOD AND PROCEDURE OF ORGANIZING PUBLIC HEARING BY THE OPERATOR WITH REGARD TO THE APPLICATION FOR ISSUING “A” INTEGRATED ENVIRONMENTAL PERMIT**

(1) If the state administration body responsible for environment receives within 30 days from the day of announcement of the application a request by the concerned public for organizing a public hearing with regard to the application for issuing “A” integrated environmental permit, it shall notify the operator of the obligation and the method and procedure of organizing the public hearing, as well as of the time-limit within which the operator is obliged to organize the hearing.

(2) The operator shall inform the concerned public about the application for the permit, about the installation and the activities performed in the installation, as well as about the time and the exact venue of holding the public hearing with regard to the application for the permit through (i) one daily newspaper available within the whole territory of the Republic of Macedonia, (ii) notice on the announcement board of the municipality within the territory of which the installation is located, as well as (iii) notice on the website of the state administration body responsible for environment.

(3) By way of exception to Paragraph (2) of this Article, the operator shall notify the members of the concerned public who had filed the request (opinions, suggestions, remarks) of the time and the exact venue of holding the public hearing through a written invitation.

(4) The announcement referred to in Paragraphs (2) of this Article shall have a standard form and size, visible for the public.

(5) Operator prepares minutes of the public hearing and submits them to the authority, so they can be considered when issuing the permit.

- Taking into account the new Macedonian Law on Administrative Procedures, the requirements for the organization of public hearings have been transferred to this Article from the Ordinance on the Procedure for issuing A-integrated Environmental Permits (ex. Art 8).

**- Public hearing in IPPC procedure not required by IED – Macedonia is free to remove it from the procedure !**

- Para 6 has been deleted based on expert judgement: Very broad and not clear. - Better delete this para. Documents better should be read before the public hearing (they will be available on the internet and in the Municipality office and Ministry)

### III – Permit granting procedure for A integrated environmental permits

#### Article 35 (ex Art. 105)

##### Rules for issuance of the A integrated environmental permit

(1) On the basis of the positions and the opinions submitted in accordance with the provisions of this Law, the body of the state administration responsible for the affairs of the environment shall issue the A integrated environmental permit within 60 days from the expiry of the term determined for submission of opinions on the application and after having received the minutes according to Art. 34 par 5.

(2) Where the application refers to particularly complex cases, the body of the state administration responsible for the affairs of the environment may extend the term referred to in paragraph (1) of this Article, but for not longer than 30 days, with an obligation to notify the applicant of the A integrated environmental permit in written form and to explain the reasons for the extension.

(3) When the body of the state administration responsible for the affairs of the environment, in processing the application referred to in Article 27 of this Law, determines on the basis of comments and opinions submitted in accordance with Articles 30, 31 and 33 of this Law that additional data is required, it shall set a term not shorter than 15 days, but not longer than 30 days from the date of receipt of the conclusion, for submission of required data by the applicant for the A integrated environmental permit.

#### Article 36 (ex Art. 106)

##### Refusal to issue the permit

(1) The body of the state administration responsible for the affairs of the environment shall take a decision to refuse issuing of the permit, if:

1. Proposed manner of carrying out activities is likely to cause harmful consequences for human life and health and the environment;
2. The application submitted is not in accordance with this or other laws and other regulations adopted on the basis of them, as far as applicable in the A integrated environmental permit procedure;
3. The operator has failed to provide the required data in a manner and within the term determined in the statement referred to in Article 28, paragraph (1) of this Law, or
4. The proposed techniques for the activity performance in the installation do not comply with the best available techniques.

(2) The operator may appeal against the decision referred to in paragraph (1) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the day of receipt of the decision. The appeal shall not have any effect in terms of postponement of the enforcement of the decision.

The new para. 1 No. 4 makes reference to the compliance with BAT 7. The previous No. 4 of ex. Art. 106 became No. 3.

**Art. 37**  
**Principles of defining permit conditions based on BAT**

The authority sets permit conditions on the basis of BAT, determined according to of the following alternatives:

1. BAT conclusions, described in Art. 25 are used as reference for setting the permit conditions.
2. In the cases described in Art. 26 the permit conditions are set on the basis of BAT by giving special consideration to the criteria, listed in Art. 26 after prior consultations with the operator.
3. The permit conditions are set on the basis of BAT not described in any of the relevant BAT conclusions, given that the following requirements are met:
  - a. The technique is determined by giving special consideration to the criteria, listed in Art. 26 and
  - b. The requirements of Art. 38 are complied with.
  - c. Where the relevant BAT conclusions do not contain emission limit values, associated with the BAT the competent authority has to ensure that the chosen technique will ensure the same level of environmental protection as the BAT described in the BAT conclusions.
4. Without prejudice to Art 40 the competent authority may set stricter permit conditions than those achievable by the implementation of BAT, described in the BAT conclusions. The Minister managing the body of state administration responsible for the affairs of the environment shall prescribe more precisely the conditions for the application of this paragraph.

This Articles defines the rules for application of BAT. It is important to understand the cases no 2 and no 3, which are relevant when **BAT Conclusions** are not applicable as such and other ways of BAT application as defined by the IED have to be implemented. The authority has always the right to prscribe stricter permit conditions where justified (para 4)

**Art. 38**  
**Emission limit values for polluting substances**  
**(Annex II of the IED)**

Permit conditions shall contain Emission Limit Values at least for the following polluting substances:

**AIR**

1. Sulphur dioxide and other sulphur compounds
2. Oxides of nitrogen and other nitrogen compounds
3. Carbon monoxide
4. Volatile organic compounds
5. Metals and their compounds
6. Dust including fine particulate matter
7. Asbestos (suspended particulates, fibres)
8. Chlorine and its compounds

9. Fluorine and its compounds
10. Arsenic and its compounds
11. Cyanides
12. Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air
13. Polychlorinated dibenzodioxins and polychlorinated dibenzofurans

## **WATER**

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment
2. Organophosphorus compounds
3. Organotin compounds
4. Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment
5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances
6. Cyanides
7. Metals and their compounds
8. Arsenic and its compounds
9. Biocides and plant protection products
10. Materials in suspension
11. Substances which contribute to eutrophication (in particular, nitrates and phosphates)
12. Substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as BOD, COD, etc.)
13. Substances listed in Annex X to Directive 2000/60/EC (WFD)

This Article transposes Annex 2 of the IED. For no 13 of above list reference should be made to the transposition of Annex X of the Water Framework Directive into Macedonian legislation.

Point 13 under "Water": The reference to the Water Framework Directive should be replaced by reference to the Macedonian Water Law which (hopefully) already transposes Annex X (=priority substances) of the WFD.

There is also a by-law containing the list of substances according to Annex II IED proposed. A duplication in the law might not be necessary.

### **Article 39 (ex Art. 107)**

#### **Content of the A integrated environmental permit**

(1) When issuing the integrated environmental permit, the body of the state administration responsible for the affairs of the environment shall take into consideration in particular:

1. The data and information included in the application for issuing the permit, as well as the data and the information attached to the request.
2. The information obtained through the visit to the site where the installation is located.
3. The results of the Environmental Impact Assessment, if any, may be used when determining the conditions in the "A" integrated environmental permit, provided these results are considered accurate and valid;

4. The results of the procedure carried out in accordance with the Chapter XV "Prevention and control of major accidents involving hazardous substances" from the Law on Environment;
5. The applicable standards limit values for emissions into the environment;
6. The need to mitigate and prevent environmental and related damage to human health; and,
7. The opinions and the comments obtained through consultations with other competent authorities, interested parties, the public concerned, including citizen organizations established for the purpose of protection and improvement of the environment, as well as the opinions and the comments of the competent authorities and the public concerned of the other country in case of transboundary impact of the installation located within the territory of the Republic of Macedonia.
8. The technical/economic characteristics of the installation, as well as its geographic location and current state, as well as the data required in order to determine best available techniques.

(2) The A integrated environmental permit shall be based on the application of the best available techniques, as defined in Article 25 and 26 of this Law.

(3) The A integrated environmental permit shall contain data on the operator and the installation and obligatory conditions that refer to the limit values of emissions, measures of protection of individual environmental media and areas and the manner of performing the monitoring by the operator of the installation.

(4) The measures for the protection of the environment and related monitoring shall include at least the following:

(a) emission limit values for polluting substances listed in Article 38 of this Law, and for other polluting substances, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another;

(b) appropriate requirements ensuring protection of the soil and groundwater and measures concerning the monitoring and management of waste generated by the installation;

(c) suitable emission monitoring requirements specifying measurement methodology, frequency and evaluation procedure; and

(d) an obligation to supply the competent authority regularly, and at least annually, with information on the basis of results of emission monitoring referred to in point (c) and other required data that enables the competent authority to verify compliance with the permit conditions; and

(e) appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil and groundwater pursuant to point (b)

(f) measures relating to conditions other than normal operating conditions such as start-up and shut-down operations, leaks, malfunctions, momentary stoppages and definitive cessation of operations;

(g) provisions on the minimisation of long-distance or transboundary pollution;



(h) conditions for assessing compliance with the emission limit values or a reference to the applicable requirements specified elsewhere.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the the form and the procedure for issuance of the A integrated environmental permit.

(6) The emission limit values specified in the A integrated environmental permit for the installation shall not exceed the emission limit values associated with BAT, except under the circumstances defined in Article 41 of this Law.

(7) The emission limit values defined in the A integrated environmental permit shall be enforced at the source of emission in the installation, and shall be defined as both mass and concentration. They shall apply at the point where the emissions leave the installation and any dilution prior to that point shall be disregarded when determining those values.

Taking into account the new Macedonian Law on Administrative Procedures, the requirements for the criteria to considered when issuing the A-integrate permit have been transferred to this Article from the Ordinance on the Procedure for issuing A-integrated Environmental Permits (ex. Art 13).

Art. 37 contains information on:

- what has to be taken into consideration (par. 1)
- the relationship to the best available techniques (par. 2)
- data on the operator and the installation and (par. 3)
- the necessary measures (par. 4)
- the possibility for the responsible Minister to prescribe more precisely the form and the procedure for issuance (par. 5)
- the prohibition of exceedance of the emission limit values, except in cases as described in Art. 39 (par. 6)
- each emission source has to have two emission limit values, one based upon mass, the other based upon concentration (par. 7)

Paragraph	Explanation
1	updated Art 13 from Macedonian Ordinance on the procedure for issuing A integrated environmental permit
2	Transposed Art. 11 lit. b from IED
3	Updated Art. 107 par. 2 from Macedonian Law on Environment
4	Transposed Art. 14 par. 1 from IED
5	Updated Art. 107 par. 3 from Macedonian Law on Environment
6	Updated Art. 107 par. 6 from Macedonian Law on Environment
7	Updated Art. 107 par. 9 and 14 from Macedonian Law on Environment, Transposition of Art. 15 par. 1 IED

#### **Article 40 (new, based on Art 14 and 18 IED)**

##### **Stricter conditions necessary to achieve environmental quality standards**

(1) Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the permit.

(2) Such additional measures may consist of stricter permit conditions than those achievable by the use of the best available techniques.

(3) When considering measures according to paragraph (2) special attention will be paid to the results of the Environmental Impact Assessment, if any.

(4) In case the installation is situated in a sensitive area, as defined in paragraph 5, emission limit values divided by two apply (50 % lower emission limit values than those defined according to BAT), unless the applicant proves that there will be no negative impact on the environment in relationship to the environmental protection goals of the sensitive area.

(5) Sensitive areas are:

Category	Type of sensitive area	Scope
A	Specific protection areas	Nature protection sites and UNECO sites
B	Mountain zones	The lower boundary of the mountain zone is the line of closed tree cover, i.e. the beginning of the area with isolated, stunted trees and low shrubs
C	Water protection and water conservation areas	According to Macedonian water legislation
D	Areas with exceedance of air quality standards	According to Macedonian ambient air legislation

Art 14 par. 4 from IED requires stricter permit conditions, where they are necessary. Each country has to decide when these stricter permit conditions are necessary.

Par. 1 and 2 transpose this EU requirement.

Par. 3 gives the competent authority the possibility to use Environmental Impact Studies or the Elaborates as a source of information and basis for decision-making.

Rules for application of stricter ELVs are defined in par 4 and 5. These rules are suggested by the Austrian experts and can as such not be found in the IED. The suggested approach might prove practical under circumstances where no reliable data on the achievement of environmental quality standards are available.

In sensitive areas the applicant has to prove that there will be no negative impact on the environment in relation to the environmental protection goals of the sensitive area, otherwise the emission limit values will be lowered extremely (50%). These sensitive areas are (suggestion based upon Austrian experience):

- nature protection sites and UNESCO sites
- mountain zones
- water conservation or water protection areas
- areas where it is proven that the ambient air emission limit values are exceeded

Paragraph	Explanation
1	Transposed Art. 18 from IED
2	Transposed Art. 14 par. 4 from IED
3	Updated Art. 13 from Ordinance on the procedure for issuing A integrated environmental permit
4	Transposed Art. 14 par. 4 from IED
5	Transposed Art. 14 par. 4 from IED

**Article 41 (new, based on Art. 15 par 4 and 5 ELD)  
Derogations from generally prescribed ELVs**

(1) The competent authority may, in specific cases, set less strict emission limit values. Such a derogation may apply only where the operator provides evidence that the achievement of emission levels associated with BAT would lead to disproportionately higher costs compared to the environmental benefits due to:

- the geographical location or the local environmental conditions of the installation concerned; or;
- the technical characteristics of the installation concerned.

(2) The competent authority shall verify the evidence provided by the operator and document in the permit the reasons for the application of the first paragraph, including the result of the assessment of the justification provided by the operator.

(3) The emission limit values set in accordance with the first paragraph shall, however, ensure that no negative consequences as defined in Article 36 paragraph 1, no 1 are caused.

(4) The competent authority shall re-assess the application of the first paragraph as part of each reconsideration of the permit conditions pursuant to Article 50 of this Law.

(5) The competent authority may grant temporary derogations from applicable emission limit values and from the requirements of Art. 23 a) and b) for the testing and use of emerging techniques for a total period of time not exceeding 9 months, provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with the best available techniques.

(6) The Minister managing the body of state administration responsible for the affairs of the environment may prescribe more precisely the conditions for the application of this article.

Art. 15 par. 4 and 5 IED require that the permitting authority can prescribe less strict emission limit values under specific circumstances. The decision should be based on clear evidence and assessment. This assessment has to be done by the operator (par 1) and will only be checked for plausibility by the competent authority (par 2). This is again a suggestion based upon (good) Austrian experience.

Lower emission limit values are only possible, if the operator manages to make plausible to the competent authority that:

- disproportionately higher costs will be encountered (par 1), guidance from IMPEL should be available
- no consequences for human life, health and the environment will take place (par 3)

The less strict emission limit values shall be checked whenever the permit is reviewed or changed (par 4).

It is also possible to set less strict emission limit values for a maximum of nine months for the testing and use of an emerging technique (par 5), this is in accordance with the IED.

Transitional periods for the application of this Article could be foreseen until capacities in the administration have been increased to a level where appropriate checks can be carried out.

Paragraph	Explanation
1	Transposed Art. 15 par. 4 from IED
2	Transposed Art. 15 par. 4 from IED
3	Transposed Art. 15 par. 4 from IED

4	Transposed Art. 15 par. 4 from IED
5	Transposed Art. 15 par. 5 from IED
6	Possibility to determine the application of this Article more closely in secondary legislation.

**Article 42 (new)**  
**Transitional periods for ELVs for existing installations**

(1) For installations operated prior to the entering into force of this law transitional periods can be granted for one or more ELVs for specific time frames.

(2) In case of application of para 1 the permit shall include:

- temporary emission values applicable in the transitional period;
- specific conditions for the operation of the installation during the transitional period to limit their potential negative consequences on the environment;
- schedule of implementation of the individual measures necessary for achieving the ELV by the end of the transitional period;
- monitoring and manner of reporting during the transitional period;
- other issues stipulated in the special laws on individual environmental media and areas protection.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the conditions for the application of this article.

This new Article shall replace the chapter on adjustment permits with adjustment plans from the Law on Environment. Paras. 2 and 3 are based on paras. 2 and 3 of current Art. 137 of the LE and were updated in the light of Austrian best practice experience.

The concept is that also for existing installations which currently cannot meet BAT the regular permitting procedure applies, but the provisions of this Article are additionally applicable. With other words, in addition to the ELVs which will have to be achieved after the end of the transitional period, temporary ELVs are prescribed which will become obsolete once the transitional period is over.

Para. 3: This should be done in a by-law in order to ensure proper application of this article.

**Article 43 (new, based on Art. 16 IED)**  
**Monitoring requirements**

(1) The monitoring requirements referred to in Article 39(4)(c) of this Law shall, where applicable, be based on the conclusions on monitoring as described in in documents defined in Article 27 paragraph 1 of this Law.

(2) The frequency of the periodic monitoring referred to in Article 39(4)(e) of this Law shall be determined by the competent authority in a permit for each individual installation.

(3) Without prejudice to the first subparagraph, periodic monitoring shall be carried out at least once every 5 years for ground water and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

Article 39(4)(e) of the present law reference is to enhanced prevention of soil and groundwater pollution as defined in IED. Para. 3 is a new requirement of the IED.

**Article 44 (ex Art. 107 para. 12 ff and 108)**  
**Procedure for Issuance of A Integrated Environmental Permit**

(1) The draft A integrated environmental permit shall be submitted to the operator. The operator may submit their comments within 14 days from the day of the receipt of the draft permit.

(2) The body of the state administration responsible for the affairs of the environment shall issue a decision on granting an A integrated environmental permit, stating the conditions for operation of the installation under A integrated environmental permit. The permit shall contain an explanatory part providing reasoning for the authority's decision and summarizing the results of consultation with other public bodies and with the public.

(3) Two copies of the A integrated environmental permit shall be retained by the body of the state administration responsible for the affairs of the environment, one of which shall be kept in the Register of A integrated environmental permits and the other shall serve for public review of the permit. A copy of the A integrated environmental permit shall be delivered to the State Environmental Inspectorate and to the Municipality on the territory of which the installation is located and to the City of Skopje where the installation is located on the territory of the City of Skopje.

(4) The competent authority shall not issue an operational permit for an installation which is subject to A integrated environmental permit until this permit has been issued. .

(5) An A integrated environmental permit shall be granted to installations which are subject to an obligatory environmental impact assessment only after a prior issued decision granting consent to the project environmental impact assessment study in accordance with Article 87, paragraph (1) of the Law on Environment.

(6) Interested legal or natural persons, as well as members of the public, including citizens' associations established for the protection and improvement of the environment, may lodge an appeal against the decision referred to in paragraph (3) of this Article with the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of publication of the decision according to Art 46 of this law. The appeal shall not have any effect in terms of the decision enforcement. In the appeal the party shall justify its interest or the impairment of a right. The State Commission deciding in administrative procedure and employment at second instance shall take into account the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organisation promoting environmental protection shall be deemed sufficient. Such organisations shall also be deemed to have rights capable of being impaired.

(7) Practical information shall be made available to the public on the above described review procedure and on the formal requirements for lodging an appeal.

(8) The operator shall have the right to lodge an appeal against the decision referred to in paragraph (2) of this Article with the State Commission deciding in administrative procedure and employment at second instance within 15 days only with regard to mandatory conditions specified in the permit that have not been contained in the draft permit or on which the operator has made comments that have not been accepted by the body of the state administration responsible for the affairs of the environment. The appeal shall not have any effect in terms of postponement of the decision enforcement.

(9) In case of existing installation the decision referred to in paragraph (2) of this Article shall be issued on the basis of site-visits in the installation carried out by the body responsible for the performance of expert matters in the area of the environment.

(10) It is forbidden to start construction works and installation of machinery and devices before obtaining A integrated permit.

(11) The operator shall notify the authority about termination of works related to the permitted activities. Consequently the fulfillment of the requirements specified in the A integrated environmental permit shall be controlled in an inspection carried out jointly by the permitting authority and the responsible inspection body.

(12) The Minister managing the body of the state administration responsible for the affairs of the environment may prescribe more precisely the manner and the procedure of implementing the procedure for A integrated environmental permit issuance.

A second round of public participation as foreseen in this Article is not required by the IED and it is the discretion of Macedonia to keep it or to delete it.

- para. 4: Operational permit issued under the Construction law? Expert Comment: Better put this provisions into the construction law.

- para. 5: the reference to the Law on Environment might need to be corrected.

- Para. 9 and 11: In order to involve the Inspectors in the permitting process a Memorandum of Understanding (MoU) between MoEPP and SEI should be signed defining the cooperation of permit writers with inspectors during the permitting phase. At least it should be ensured that at the final visit both inspectors and permit writers are present to ensure passing on of knowledge in due time.

Para 10 and 11: Art 4 par 1 IED requires from Member States to ensure that no installation is operated without a permit. Therefore the current practice in Macedonia that the permit is issued after construction and installation of machinery has to be changed. In the future construction can only start after issuing of the permit. The fulfilment of the obligations will be checked in an inspection with a site visit.

Para 7 and 8 transpose the detailed requirements for access to justice for members of the public concerned as regulated in Art. 25 IED.

**Article 45 (ex Art. 109)**  
**Register of A Integrated Environmental Permit**

(1) The body of the state administration responsible for the affairs of the environment shall establish and maintain a Register of A integrated environmental permits.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, the content and the manner of management of the Register referred to in paragraph (1) of this Article, as well as the manner of submission of data for entry into the Register.

**Article 46 (ex Art113)**  
**Publication of A Integrated Environmental Permit**

(1) The body of the state administration responsible for the affairs of the environment shall within 15 days from the date of issuance publish the A integrated environmental permit on its web site and in in at least two daily newspapers available throughout the territory of the Republic of Macedonia, one of which shall be in the language which at least 20% of the citizens who speak an official language other than Macedonian speak and allow access to the concerned public to the information relevant for the public participation in the procedure of issuing the permit and to the opinions taken into consideration and upon which the permit has been issued. The announcement in the daily newspaper shall be at the cost of the applicant for the permit.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the content of the announcement referred to in paragraph (1) of this Article.

The public announcement of the final permit is a requirement of the IED, but as mentioned above there is no requirement from the IED to carry out public consultation on the DRAFT permit. With the announcement of the decision starts the period for the public concerned to launch an appeal according to Art. 44 of this law ("access to justice", Art. 25 IED).

**IV -Obligations of the operators of A integrated permits**

**Article 47 (ex Art. 110)**  
**General obligations of the operator**

The operator shall, within the validity period of the A integrated environmental permit and five years after the expiry of the permit validity, keep all documents and data regarding the application, issuance and the monitoring determined by the mandatory conditions in the A integrated environmental permit and make them available at the request of the body of the state administration responsible for the affairs of the environment or the State Inspectorate of Environment.

**Article 48 (ex Art. 111)**  
**Reporting obligations**

(1) The holder of the A integrated environmental permit shall report to the body of the state administration responsible for the affairs of the environment as follows:

- regularly, on the results of the monitoring carried out in accordance with the mandatory conditions of the A integrated environmental permit;
- immediately, on any defect, incident and/or major accident that have or could have significant impact on human health, environment or property;
- on any change in the operation of the installation that may have an impact on human health, environment or property;
- on any planned replacement of the persons with special authorizations with regard to the A integrated environmental permit that manage the installation.

(2) The holder of the A integrated environmental permit shall observe all conditions contained in the permit while using and managing the installation.

(3) For the purpose of implementing the obligation referred to in paragraph (2) of this Article, the operator of the installation shall appoint a person to be responsible for the implementation of the conditions specified in the A integrated environmental permit.

#### **Article 49 (ex Art. 121) Charges**

(1) The operator shall be charged:

1. when submitting an application for A integrated environmental permit, according to Art 27 of this law;
2. when submitting an application for amendment of the A integrated environmental permit, according to Art 51, paragraph 3 of this law;
3. when submitting an application for the A integrated environmental permit transfer ;
4. for holding an A integrated environmental permit, payable annually.

(2) The level of charges payable by operators referred to in paragraph (1) of this Article shall be as follows:

1. for granting the permit of new installations – 0.05 percent of the costs of construction works according to working projects of installations, but not less than ..... denars and not more than..... denars;
2. for granting the permit of existing installations – 0.05 percent of the costs of fixed assets of all located on-site installations, but not less than ..... denars and not more than..... denars;
3. for granting a decision concerning the transfer of the A-integrated environmental permit to a new operator .....denars.
4. for holding an A integrated environmental permit according to paragraph 1,point 4 – ..... denars.

This Article substantially modifies the previous Art. 121 of the Law on Environment in the light of discussion with BC partner, based on Bulgarian best practice example. It needs to be decided if the fees go directly to the state budget or to an environmental fund, etc., e.g. for financing the work of the Technical Commission on BAT.

Para. 2: This corresponds to par. 1, the level of charges has to be determined by BC. Maybe consider to cut charges for holding?



## V - Amendment, transfer and revocation of A integrated permit

### Article 50 (ex Art 115)

#### Reconsideration of the A integrated environmental permit ex officio

- (1) The A integrated environmental permit may be amended ex officio.
- (2) The body of the state administration responsible for the affairs of the environment shall reconsider the A integrated environmental permit ex officio in the following cases:
- changes have occurred in the development of the best available techniques that may provide significant reduction in the emissions without incurring excessive costs;
  - the safety in the operation of the installation requires implementation of different technologies;
  - new BAT conclusions relating to the main activities of the installation have been issued
  - the environmental pollution has increased to such levels that cause harmful consequences on human life and health and on the environment, thus requiring changes in the emission limit values i.e. the conditions specified in the permit for the purpose of compliance with the environmental quality standards;
  - changes have occurred in the regulations on environmental protection that may have an impact on the operation of the installation.
- (3) As a consequence of the reconsideration the body of the state administration responsible for the affairs of the environment shall make a decision on amendment of the A integrated environmental permit.
- (4) Concerning the case of new BAT conclusions relating to the main activities of the installation the operator shall notify the authority about whether changes in the installation will be necessary to meet the requirements of the new BAT conclusions within one year after their publication. Within four year after their publication the authority shall reconsider and if necessary update the permit conditions to ensure compliance with the new requirements.
- (5) The operator has a right to lodge an appeal to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the delivery of the decision referred to in paragraph (2) of this Article.
- (6) The body of the state administration responsible for the affairs of the environment shall determine the period within which the operator shall bring the operation of the installation in compliance with the requirements contained in the amended A integrated environmental permit.
- (7) The amendment of the A integrated environmental permit or of the conditions in the A integrated environmental permit shall be carried out in accordance with the procedure for issuance of a new A integrated environmental permit.

- In line with the IED prior to amendment the step of reconciliation is introduced into the text. It is important that the authority first examines the circumstances ("reconciliation") and only then, as needed, amends the permit.

- The new para 4 is the IED conform new approach for the periodic renewal of the permit. In the light of this new updating requirement related to the issuing of new BAT conclusions we

suggest deletion of the 7 year updating requirement contained in the current Macedonian law.	
Paragraph	Explanation
1	updated Art. 114 from Macedonian Law on Environment
2	updated Art. 115 par. 1 from Macedonian Law on Environment
3	updated Art. 115 par. 2 from Macedonian Law on Environment
5	updated Art. 115 par. 3 from Macedonian Law on Environment
6	updated Art. 115 par. 4 from Macedonian Law on Environment
7	updated Art. 115 par. 5 from Macedonian Law on Environment.

### **Article 51 (ex Art 116)**

#### **Reconsideration of the A integrated environmental permit at request of the permit holder**

(1) The notification referred to in the third case of Article 48, par 1 of this Law shall contain details on the scope and manner of planned changes in the operation of the installation conducting and on changes in the environmental impact as well as available monitoring data. In the notification the operator shall also express his reasoned standpoint whether the change represents a substantial change in the sense of para 3 below or not.

(2) When the body of the state administration responsible for the affairs of the environment determines that the execution of the planned change in the operation of the installation is not a substantial change, it shall reconsider and consequently amend the A integrated environmental permit without requiring an application as defined in Art 27 of this law.

(3) The body of the state administration responsible for the affairs of the environment shall determine within one month if the change referred to in paragraph (1) of this Article is a substantial change taking into account the following criteria:

a) Any change in the nature or functioning or an extension of an installation shall be deemed to be substantial if the change or extension of an installation in itself reaches the capacity thresholds set out in the ordinance mentioned in Article 22 par 1;

b) There is an impact on an additional component of the environment (i.e. an additional environmental medium is affected);

c) There are changes of the parameters of the emission or manner of their release (including changes of the location or parameters of the emitting devices or points of discharge) or there is an increase of the emitted substances by type or quantity, which lead to:

- increasing the number of people affected by the emission of harmful substances;
- increasing the type and/or amount of the emissions into air or water to the already affected population;
- an impact on an additional water body.

(4) If there are changes/increases under the first and second case of par 3 c of this Article, the operator has to provide mathematical modelling of the emissions into the air before and after implementing the change to the concentrations of pollutants in the ground layer of the atmosphere.

(5) When the body of the state administration responsible for the affairs of the environment determines, based on the documents of the operator, that the change referred to in par 1 of this Article is a substantial change, it shall require from the operator to submit the application with the elements laid down in in Article 27, par 2 of this Law. The application for a permit shall cover those parts of the installation and those details which may be affected by the substantial change.

(6) The body of the state administration responsible for the affairs of the environment shall granted the new A integrated environmental permit based on the application under paragraph 5. The A integrated environmental permit shall cover all parts of installation no matter if they may be affected by the substantial change or not.

(7) The amendment of the A integrated environmental permit or of the conditions in the A integrated environmental permit shall be carried out in accordance with the procedure for issuance of a new A integrated environmental permit.

The former Article 116 has been updated to bring it in line with IED requirements	
Paragraph	Explanation
1	updated Art. 116 par. 1 from Macedonian Law on Environment
2	updated Art. 116 par. 3 from Macedonian Law on Environment
3 and 4	The definition of substantial change of the IED is relatively general (Art. 3 par 9 IED). The suggested criteria to determine wheather a change is substantial are based on Bulgarian best practice example, as well as transposition of Art. 20 par.3 IED
5 and 6	updated Art. 116 par. 4 from Macedonian Law on Environment with regard to application for and granting of a (partially) new permit in case a substantial change to an installation is confirmed.

This Article is not required as the regular permitting procedure is applied (see new Art. 51 par 7 )

### **Article 52 (ex Art118)** **Transfer of the A integrated environmental permit**

(1) The body of the state administration responsible for the affairs of the environment may transfer the whole or a part of the A integrated environmental permit upon a joint application of the actual and the potential operator.

(2) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the contents of the application.

(3) The body of the state administration responsible for the affairs of the environment shall make a decision within 60 days from the date of the submission of the application on full or partial transfer of the A integrated environmental permit and shall publish it in at least one daily newspaper available throughout the territory of the Republic of Macedonia and on its web site. Publication in the daily newspaper shall be at the expense of the applicant for permit transfer.

(4) Interested legal and natural persons and citizens' associations established for the purposes of environment protection and improvement shall have the right to lodge an appeal against the decision to the State Commission deciding in administrative procedure and

employment at second instance within 15 days from the date of announcement of the decision referred to in paragraph (3) of this Article. The appeal shall not have any effect in terms of postponement of the decision enforcement.

(5) In case of partial transfer of the A integrated environmental permit the operator shall submit a drawing indicating precisely the installation or part of the installation which is subject to a transfer to another operator. In case of partial transfer, the conditions of the permit may be changed due to division of emissions.

(6) In case of partial transfer, the operator to which the permit is transferred is granted a new permit for the assumed part of the installation, with a clear indication as to which parts of the installation it refers.

(7) The operators referred to in paragraph (1) of this Article shall have the right to lodge an appeal to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of receipt of the decision referred to in paragraph (3) of this Article only with regard to new mandatory conditions specified in the permit

### **Article 53 (ex Art119)**

#### **Suspension, revocation and termination of the A integrated environmental permit**

(1) The body of the state administration responsible for the affairs of the environment shall pass a decision on suspension of the whole or parts of the installation or of revocation of an A integrated environmental permit if:

- a) the environmental pollution has increased to levels which cause serious harmful consequences on human life and health and on the environment;
- b) the operator has committed more than two violations of the mandatory conditions defined in the A integrated environmental permit, as determined in the enforceable decisions issued by the State Inspectorate of Environment;
- c) the operator has made changes to the installation without prior informing the body of the state administration responsible for the affairs of the environment and having obtained a respective permit if necessary; or
- d) the operator has failed to carry out the whole or parts of the activity described in the A- Integrated Environmental permit within five years from the issuing of the A integrated environmental permit.

(2) The body of the state administration responsible for the affairs of the environment shall immediately notify the operator holding the A integrated environmental permit, as well as other competent bodies, on the initiation of the procedure for revocation of the A integrated environmental permit as well as on the reasons for making such decision.

(3) The operator may file an appeal against the decision referred to in paragraph (1) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of submission of the decision. This appeal shall not have a suspensive effect.

(4) The A – integrated environmental permit shall terminate if:

- a) the period of validity of the permit expires;
- b) the operator has given up the rights determined by the permit and the permit has not been transferred in accordance with Art. 52 of this Law;
- c) the permit was revoked in conformity with paragraph (1) of this article.

(5) The body of the state administration responsible for the affairs of the environment shall record the termination of the permit in the Register of A-integrated environmental permits.

(6) Article 55 of this Law shall apply accordingly to the termination of the A-integrated environmental permit.

(7) The holder of the A integrated environmental permit shall have no right to compensation for the damage suffered by the revocation or suspension of the A integrated environmental permit.

Para. 1 lit. b needs to be aligned with the Law on Inspections.

Termination:

The termination of the permit happens automatically (no decision needed) in the cases mentioned in para. 1. Para. 1 lit a): Shall permits have a validity period

#### **Article 54 (new, Art. 22 IED)**

##### **Assessment of the state of environment for the event of termination of operations of the installation and related obligations (baseline report)**

(1) Where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report with the permit application, in line with Article 27 par 2 no 8 of this Law.

(2) The baseline report shall contain the information necessary to determine the state of soil and groundwater contamination so as to make a quantified comparison between the state upon permit issuing and the state upon termination of operations of the installation.

(3) The baseline report shall contain at least the following information:

- (a) information on the present use and, where available, on past uses of the site;
- (b) where available, existing information on soil and groundwater measurements that reflect the state at the time the report is drawn up or, alternatively, new soil and groundwater measurements having regard to the possibility of soil and groundwater contamination by those hazardous substances to be used, produced or released by the installation concerned.

(4) Upon termination of operations of the installation, the operator shall assess the state of soil and groundwater contamination by relevant hazardous substances used, produced or released by the installation.

**Article 55 (ex Art 120)****Procedure for restoration of the environment to a satisfactory state in the event of termination of operations of the installation**

(1) Where the installation has caused significant pollution of soil or groundwater by relevant hazardous substances compared to the state established in the baseline report referred to in Art. 54 the operator shall take the necessary measures to address that pollution so as to return the site to that state. For that purpose, the technical feasibility of such measures may be taken into account.

(2) In case no baseline report had to be elaborated so far and where the contamination of soil and groundwater at the site poses a significant risk to human health or the environment, upon termination of operations of the installation, the operator shall take the necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances, so that the site, taking into account its current or approved future use, ceases to pose such a risk.

(3) Where the operator is not required to prepare a baseline report referred to in Article 54, the operator shall, upon termination of operations of the installation, take the necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances, so that the site, taking into account its current or approved future use, ceases to pose any significant risk to human health or the environment due to the contamination of soil and groundwater as a result of the permitted activities.

(4) The operator holding A integrated environmental permit shall notify the body of the state administration responsible for the affairs of the environment of the intention for termination of operations of the installation and shall propose a plan with the measures for remediation of the site on which the installation is located.

(5) The body of the state administration responsible for the affairs of the environment shall approve the plan referred to in paragraph (4) of this Article if it can confirm that the proposed measures provide for remedy of the site to a satisfactory state.

(6) The operator shall implement the measures in the manner and within the term specified in the plan referred to in paragraph (4) of this Article.

(7) In case the operator has not restored the site to a satisfactory state, the body of the state administration responsible for the affairs of the environment shall carry out the restoration using the resources of the charges collected in accordance with Article 49 of this Law.

In line with Art. 22 IED two different cases are defined:

- Par 1: As far as the pollution is caused by the “relevant” hazardous substances, i.e. the substances used, produced or released in the installation, the site has to be returned to the state at the time of permit issuing (=time of preparation of baseline report).
- Par 2: Where the contamination of soil and groundwater at the site poses a significant risk to human health or the environment, necessary measures (as defined in the text) have to be taken, taking into account the sites current or approved future use. The sites current or approved future use could be the use as defined in urban

planning documents. This means that the operator in this case should also remove pollution likely to be caused by previous site owners of the site/previous operators at the site.

- The elaboration of guidelines on what significance of pollution and significant risk to health/environment shall mean in the context of Macedonia should be considered.

Paragraph	Explanation
1	Base line report is available - > return site to the state before operation
2	significant risk to human health or the environment -> “necessary measures” to be taken independently from availability of baseline report
3	A new para 3 has been added to cover cases where there is no base line report (transposition of Art. 22 para. 4 IED)
4	updated Art. 120 par. 1 from Macedonian Law on Environment.
5	updated Art. 120 par. 2 from Macedonian Law on Environment
6	updated Art. 120 par. 3 from Macedonian Law on Environment
7	updated Art. 120 par. 5 from Macedonian Law on Environment
	Art. 120 par. 4 from Macedonian Law on Environment has been cut in agreement with the BC.

## **Chapter III SPECIAL PROVISIONS FOR COMBUSTION PLANTS**

### **Article 56**

#### **Scope (para 1: ex Art. 14.1 and para. 2: ex 15.2 RB Stat. Sources)**

(1) This chapter shall apply to combustion installations the rated thermal input of which is equal to or greater than 50 MW, irrespective of the type of fuel used (solid, liquid or gaseous).

(2) This chapter shall not apply to plants which make direct use of the products of combustion in manufacturing processes, as well as the following combustion installations:

(a) plants in which the products of combustion are used for the direct heating, drying, or any other treatment of objects or materials;

(b) post-combustion plants i.e. any technical apparatus designed to purify the waste gases by combustion which is not operated as an independent combustion plant;

(c) facilities for the regeneration of catalytic cracking catalysts;

(d) facilities for conversion of hydrogen sulfide into sulfur;

(e) reactors used in the chemical industry;

(f) coke battery furnaces;

(g) cowpers;

(h) any technical apparatus used in the propulsion of a vehicle, ship or aircraft; and

(i) gas turbines used on offshore platforms.

(j) plants which use any solid or liquid waste as a fuel other than waste referred to in point (b) of point 51 of Article 5.

This chapter replaces all articles of the RB stat. source, which are subsequently mentioned and which should not be kept in the RB stat. sources for other reasons. A new Ordinance covering Annex V of the IED relating to technical provisions on LCPs is proposed as secondary legislation (Ordinance on Technical Provisions relating to Combustion Plants).

This Article transposes Art. 28 IED.

### **Article 57**

#### **Aggregation rules (para 2: ex Art 14.2 RB Stat. Sources)**

(1) Where the waste gases of two or more separate combustion plants are discharged through a common stack, the combination formed by such plants shall be considered as a single combustion plant and their capacities added for the purpose of calculating the total rated thermal input.

(2) Where two or more separate plants are installed in such a way that, taking technical and economic factors into account, their waste gases could, in the judgement of the competent



authorities, be discharged through a common stack, the combination formed by such plants shall be regarded as a single combustion plant and their capacities added for the purpose of calculating the total rated thermal input.;

(3) For the purpose of calculating the total rated thermal input of a combination of combustion plants referred to in paragraphs 1 and 2, individual combustion plants with a rated thermal input below 15 MW shall not be considered.

This Article transposes Art. 29 IED.
--------------------------------------

## Article 58

### **Emission limit values (par. 2: ex Art. 15.1 RB Stat. Sources, para. 5: ex Arts 16.1 and 16.2 RB Stat. Sources, par. 6: ex Art 20.3 and 20.4 RB Stat. Sources, par 7: ex Art. 19.1 RB Stat. Sources)**

(1) Waste gases from combustion plants shall be discharged in a controlled way by means of a stack, containing one or more flues, the height of which is calculated in such a way as to safeguard human health and the environment.

(2) All permits for installations containing combustion plants which have been granted a permit before 7 January 2013, or the operators of which have submitted a complete application for a permit before that date, provided that such plants are put into operation no later than 7 January 2014, shall include conditions ensuring that emissions into air from these plants do not exceed the emission limit values set out in Part 1 of the Ordinance on Technical Provisions relating to Combustion Plants.

(3) All permits for installations containing combustion plants not covered by paragraph 2 shall include conditions ensuring that emissions into the air from these plants do not exceed the emission limit values set out in Part 2 of of the Ordinance on Technical Provisions relating to Combustion Plants.

(4) The emission limit values set out in Parts 1 and 2 of of the Ordinance on Technical Provisions relating to Combustion Plants as well as the minimum rates of desulphurisation set out in Part 5 of this Ordinance shall apply to the emissions of each common stack in relation to the total rated thermal input of the entire combustion plant. Where the Ordinance on Technical Provisions relating to Combustion Plants provides that emission limit values may be applied for a part of a combustion plant with a limited number of operating hours, those limit values shall apply to the emissions of that part of the plant, but shall be set in relation to the total rated thermal input of the entire combustion plant.

(5) The competent authority may grant a derogation for a maximum of 6 months from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 for sulphur dioxide in respect of a combustion plant which to this end normally uses low-sulphur fuel, in cases where the operator is unable to comply with those limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

(6) The competent authority may grant a derogation from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 in cases where a combustion plant using only gaseous fuel has to resort exceptionally to the use of other fuels because of a

sudden interruption in the supply of gas and for this reason would need to be equipped with a waste gas purification facility. The period for which such a derogation is granted shall not exceed 10 days except where there is an overriding need to maintain energy supplies.

In situations referred to in in the first subparagraph, the plant operator shall inform the competent authority immediately.

(7) Where a combustion plant is extended, the emission limit values set out in Part 2 of of the Ordinance on Technical Provisions relating to Combustion Plants shall apply to the extended part of the plant affected by the change and shall be set in relation to the total rated thermal input of the entire combustion plant.

In the case of a change to a combustion plant, which may have consequences for the environment and which affects a part of the plant with a rated thermal input of 50 MW or more, the emission limit values as set out in Part 2 of of the Ordinance on Technical Provisions relating to Combustion Plants shall apply to the part of the plant which has changed in relation to the total rated thermal input of the entire combustion plant.

(8) The emission limit values set out in Parts 1 and 2 of of the Ordinance on Technical Provisions relating to Combustion Plants shall not apply to the following combustion plants:

(a) diesel engines;

(b) recovery boilers within installations for the production of pulp.

This Article transposes Art. 30 of the IED.

Par. 2: The reference to the ordinance needs to be checked and adapted once the name and reference number have been determined.

Par. 5: Art. 30 (5) of IED: Last sentence of original text (information of EC) was deleted. Derogation laid down in RB Stat. Sources Article 16 (1) and (2) do not fit here.

Par. 6: First subparagraph = Art. 30 (6) of IED; transposed by RB stat. sources Article 20 (3). Second subparagraph: Art. 20 (4) RB stat. sources, transposing subparagraph 2 of Art. 30 (6) of IED.

Par. 7: Art. 30 (7) of IED; has partly been transposed by Article 19 (1) of RB stat. sources.

Dates mentioned need to be checked and adapted to the local circumstances.

## **Article 59**

### **Desulphurisation rate**

For combustion plants firing indigenous solid fuel, which cannot comply with the emission limit values for sulphur dioxide referred to in Part 1 and Part 2 of the Ordinance on Technical Provisions Relating to Combustion Plants due to the characteristics of this fuel, the minimum rates of desulphurisation set out in Part 5 of the Ordinance on Technical Provisions relating to Combustion Plants have to be applied.

Modified Article 31 (1) IED.

If Art. 31 (2) IED has to be transposed has to be decided.

No transposition of Art. 31 (3) IED

## **Article 60**

### **Transitional National Plan**

(1) Combustion plants which were granted the first permit before 27 November 2002 or the operators of which had submitted a complete application for a permit before that date, provided that the plant was put into operation no later than 27 November 2003, may be included in the transitional national plan (NERP). For each of the combustion plants covered by the plan, the plan shall cover emissions of one or more of the following pollutants: nitrogen oxides, sulphur dioxide and dust. For gas turbines, only nitrogen oxides emissions shall be covered by the plan.

The transitional national plan shall not include any of the following combustion plants:

(a) those to which Article 61 (1) applies;

(b) those within refineries firing low calorific gases from the gasification of refinery residues or the distillation and conversion residues from the refining of crude oil for own consumption, alone or with other fuels;

(c) those to which 62 applies;

(2) Combustion plants covered by the plan may be exempted from compliance with the emission limit values referred to in 58 (2) for the pollutants which are subject to the plan or, where applicable, with the rates of desulphurisation referred to in Article 59.

The emission limit values for sulphur dioxide, nitrogen oxides and dust set out in the permit for the combustion plant applicable on 31 December 2015, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained.

Combustion plants with a total rated thermal input of more than 500 MW firing solid fuels, which were granted the first permit after 1 July 1987, shall comply with the emission limit values for nitrogen oxides set out in the Ordinance on Technical Provisions relating to Combustion Plants.

(3) For each of the pollutants it covers, the transitional national plan shall set a ceiling defining the maximum total annual emissions for all of the plants covered by the plan on the basis of each plant's total rated thermal input on 31 December 2010, its actual annual operating hours and its fuel use, averaged over the last 10 years of operation up to and including 2010.

Where a plant included in the transitional national plan is closed or no longer falls within the scope of the present chapter, this shall not result in an increase in total annual emissions from the remaining plants covered by the plan.

(4) The transitional national plan shall also contain provisions on monitoring and reporting that comply with the implementing rules established in accordance with Article 69 lit. b. Rulebook on measurements, as well as the measures foreseen for each of the plants in order to ensure timely compliance with the emission limit values that will apply from 1 July 2020.

This already exists as implementing rules (based on law on Air Quality in the context of Art.66b)

Dates need to be adapted to Macedonian circumstances.

Reference to NERP: to be decided whether to keep it here or in the RB on NERP. Expert opinion: starting from the second subparagraphs of paras. 1 and 2 the respective parts of the provisions should go into the RB or respectively law on NERP. With regard to this provision it has to be decided, which parts should be included in the present law and which parts should go in the NERP Law/Rulebook.

### **Article 61**

#### **Limited life time derogation (ex. Arts. 23.1 and 16.1 RB Stat. Sources, par. 4 ex Annex 4 No. 5a RB Stat. Sources)**

(1) During the period from 1 January 2016 to 31 December 2023, combustion plants may be exempted from compliance with the emission limit values referred to in Article 58 (2) and with the rates of desulphurisation referred to in Article 59, where applicable, and from their inclusion in the transitional national plan referred to in Article 60 provided that the following conditions are fulfilled:

(a) the operator of the combustion plant undertakes, in a written declaration submitted by 1 January 2014 at the latest to the competent authority, not to operate the plant for more than 17 500 operating hours, starting from 1 January 2016 and ending no later than 31 December 2023;

(b) the operator is required to submit each year to the competent authority a record of the number of operating hours since 1 January 2016;

(c) the emission limit values for sulphur dioxides, nitrogen oxides and dust set out in the permit for the combustion plant applicable on 31 December 2015, shall at least be maintained during the remaining operational life of the combustion plant. Combustion plants with a total rated thermal input of more than 500 MW firing solid fuels, which were granted the first permit after 1 July 1987, shall comply with the emission limit values for nitrogen oxides set out in Part 1 of the Ordinance on Technical Provisions relating to Combustion Plants; and

(d) the combustion plant has not been granted an exemption in accordance with the National Emission Reduction Plan.

(2) In case of a combustion plant with a total rated thermal input of more than 1 500 MW which started operating before 31 December 1986 and fires indigenous solid fuel with a net calorific value of less than 5 800 kJ/kg, a moisture content greater than 45 % by weight, a

combined moisture and ash content greater than 60 % by weight and a calcium oxide content in ash greater than 10 %, the number of operating hours referred to in paragraph 1(a) shall be 32 000.

The provision is based upon the original IED Text (Article 33); changes are proposed for transposition into national law. Dates have to be adapted to Macedonian requirements.

Par. 1c: it necessary to replace the references to EU legislation by ELV

Par. 1 c: Reference is made to a proposed Rulebook on Technical provisions relating to combustion plants

### **Article 62 Small isolated systems**

1. Until 31 December 2019, combustion plants being, on 6 January 2011, part of a small isolated system may be exempted from compliance with the emission limit values referred to in Article 58(2) and the rates of desulphurisation referred to in Article 59, where applicable. Until 31 December 2019, the emission limit values set out in the permits of these combustion plants shall at least be maintained.

2. Combustion plants with a total rated thermal input of more than 500 MW firing solid fuels, which were granted the first permit after 1 July 1987, shall comply with the emission limit values for nitrogen oxides set out in Part 1 of of the Ordinance on Technical Provisions relating to Combustion Plants.

According to meeting at 4th Nov. 2016, there is probably no potential case of application in Macedonia; in this case, Article 34 of IED is not relevant and can be deleted. Please verify.

Reference is made to a proposed Rulebook on Technical provisions relating to combustion plants

### **Article 63**

#### **District heating plants**

(1) **Until 31 December 2022**, a combustion plant may be exempted from compliance with the emission limit values referred to in Article 58 (2) and the rates of desulphurisation referred to in Article 59 provided that the following conditions are fulfilled:

(a) the total rated thermal input of the combustion plant does not exceed 200 MW;

(b) the plant was granted a first permit before **27 November 2002** or the operator of that plant had submitted a complete application for a permit before that date, provided that it was put into operation no later than **27 November 2003**;

(c) at least 50 % of the useful heat production of the plant, as a rolling average over a period of 5 years, is delivered in the form of steam or hot water to a public network for district heating; and

(d) the emission limit values for sulphur dioxide, nitrogen oxides and dust set out in its permit applicable on 31 December 2015, are at least maintained until 31 December 2022.

The text is based upon the original IED Text (Article 35); changes are proposed for transposition into national law.

Dates have to be adapted to Macedonian requirements.

## Article 64

### Geological storage of carbon dioxide

1. The operator of a combustion plant with a rated electrical output of 300 MW or more has to assess whether the following conditions are met:

- (a) suitable storage sites are available,
- (b) transport facilities are technically and economically feasible,
- (c) it is technically and economically feasible to retrofit for carbon dioxide capture.

2. If the conditions laid down in paragraph 1 are met, the competent authority shall ensure that suitable space on the installation site for the equipment necessary to capture and compress carbon dioxide is set aside. The competent authority shall determine whether the conditions are met on the basis of the assessment referred to in paragraph 1 and other available information, particularly concerning the protection of the environment and human health.

Transposition of Art. 36 IED

## Article 65

### **Malfunction or breakdown of the abatement equipment (par. 1: ex Art 22.1 RB Stat. Sources, par. 2: ex Art. 22.2 and 22.3 RB Stat. Sources, par 4: ex Art 22.4 RB Stat. Sources)**

(1) Provisions for procedures relating to malfunction or breakdown of the abatement equipment shall be made in the integrated environmental permits.

(2) In the case of a breakdown, the competent authority shall require the operator to reduce or close down operations if a return to normal operation is not achieved within 24 hours, or to operate the plant using low polluting fuels.

In situations referred to in paragraph 1 of this Article, the operator shall notify the competent authority within 48 hours after the –malfunction or breakdown of the abatement equipment.

The cumulative duration of unabated operation shall not exceed 120 hours in any 12-month period.

(3) Regulations referred to in paragraph 1 and 3 of this Article shall not be applied if, upon operator's request, it is determined that: The competent authority may grant a derogation from the time limits set out in the first and third subparagraphs in one of the following cases:

(a) there is an overriding need to maintain energy supplies, or

(b) the plant with the breakdown would be replaced for a limited period by another plant which would cause an overall increase in emissions.

The basis for this article are contained in the Rulebook stat. sources; amendments are from Article 37 of IED.

Transposition of Art. 37 IED

Par. 1: Part of Article 22 (1) of RB stat. sources, to transpose Art. 37 (1) of IED

Par. 2 first subparagraph: Article 37 (2) of IED. Wording of transposition, i.e. Art. 22 (1) of RB stat. sources, is inadequate.

Par. 2 second subparagraph: Art. 22 (2) RB stat. sources transposing 2. paragraph of Art. 37 (2)

Par. 2 third subparagraph: 3. paragraph of Art. 37 (2) of IED. Transposed in Art. 22 (3) RB stat. sources

Par. 3: Art. 22 (4) of RB stat. sources with changes according to 4. subparagraph of Art. 37 (2) of IED.

## Article 66

### Monitoring of emissions into air (ex: taken from Rulebook on Measurements)

(1) Monitoring of air polluting substances has to be carried out in accordance with Part 3 of of the Ordinance on Technical Provisions relating to Combustion Plants.

(2) The installation and functioning of the automated monitoring equipment shall be subject to control and to annual surveillance tests as set out in Part 3 of the Ordinance on Technical Provisions relating to Combustion Plants.

(3) The competent authority shall determine the location of the sampling or measurement points to be used for the monitoring of emissions.

(4) All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions and emission limit values which are included in the permit.

Transposition of Art. 38 par 1 to 4 IED

## Article 67

### Monitoring of emissions into air (ex: taken from Rulebook on Measurements)

The emission limit values for air shall be regarded as being complied with if the conditions set out in Part 4 of the Ordinance on Technical Provisions relating to Combustion Plants are fulfilled.

Transposition of Art. 39 IED
------------------------------

## Article 68

### Multi-fuel firing combustion plants (ex. Art. 17 and 18 RB stat. sources)

(1) In the case of plants with a multi-firing unit involving the simultaneous use of two or more fuels, the emission limit values shall be determined in the following manner:

(a) firstly by taking the emission limit value relevant for each individual fuel and pollutant corresponding to the rated thermal input of the combustion plant as set out in Parts 1 and 2 of the Ordinance on Technical Provisions relating to Combustion Plants,

(b) secondly by determining fuel-weighted emission limit values, which are obtained by multiplying the emission limit value, determined by applying point (a) of this paragraph, by the thermal input delivered by each fuel, the product of multiplication being divided by the sum of the thermal inputs delivered by all fuels; and

(c) thirdly by aggregating the fuel-weighted emission limit values of each individual fuel.

(2) In the case of multi-fuel firing combustion plants covered by Article 3 (2), which use the distillation and conversion residues from the refining of crude-oil for own consumption, alone or with other fuels, the following emission limit values may be applied instead of the emission limit values set according to paragraph 1:

(a) where, during the operation of the combustion plant, the proportion contributed by the determinative fuel to the sum of the thermal inputs delivered by all fuels is 50 % or more, the emission limit value set in Part 1 of the Ordinance on Technical Provisions relating to Combustion Plants for the determinative fuel;

(b) where the proportion contributed by the determinative fuel to the sum of the thermal inputs delivered by all fuels is less than 50 %, the emission limit value determined in accordance with the following steps:

(i) firstly by taking the emission limit value relevant for each individual fuel and pollutant corresponding to the nominal heat input of the combustion plant set out in Part 1 of the Ordinance on Technical Provisions relating to Combustion Plants,

ii) secondly by calculating the emission limit value of the determinative fuel; this value is obtained by multiplying the emission limit value specified in Part 1 of the Ordinance on Technical Provisions relating to Combustion Plants for that fuel by a factor of two,



and subtracting from this product the emission limit value of the fuel with the lowest emission limit value,

(iii) thirdly by determining the fuel-weighted emission limit values, which are obtained by multiplying the calculated fuel emission limit value by the thermal input of the determinative fuel and the other individual emission limit values by the thermal input delivered by each fuel, the product of multiplication being divided by the sum of the thermal inputs delivered by all fuels,

(iv) fourthly by aggregating the fuel-weighted emission limit values.

(3) In the case of multi-fuel firing combustion plants covered by Article 58(2), which use the distillation and conversion residues from the refining of crude-oil for own consumption, alone or with other fuels, the average emission limit values for sulphurdioxide set out in Part 7 of of the Ordinance on Technical Provisions relating to Combustion Plants may be applied instead of the emission limit values set according to paragraphs 1 or 2 of this Article.

(4) For combined gas turbines and heating devices (waste heat boilers) with supplementary firing the emission limit values shall be set in the same way as for multi-firing combustion plants. For combined gas turbines and heating devices (waste heat boilers) without supplementary firing the emission limit values of the upstream combustion plant shall be applied.

Transposition of Art. 40 IED

Proposal to completely delete Art. 17.4 RB stat. sources

Proposal to integrate Article 18 of RB stat. sources (par. 4)

## Article 69

### Implementing rules

(1) Implementing rules shall be established concerning:

(a) the determination of the start-up and shut-down periods referred to in point 81 of Article 5 of this Law and in point 1 of Part 4 of of the Ordinance on Technical Provisions relating to Combustion Plants;

(b) the transitional national plans referred to in Article 60 and, in particular, the setting of emission ceilings and related monitoring and reporting; and

(c) technical provisions relating to combustion plants.

Transposition of Art. 41 IED

Reference is made to a proposed Rulebook on Technical provisions relating to combustion plants

References to articles within the LCP chapter need to be adapted after the final numbering. Reference to Art. 3 relates to definitions provision of this law.

Par. (c): This relates to the proposed Rulebook on Technical provisions relating to combustion plants

## **Chapter IV SPECIAL PROVISIONS FOR WASTE INCINERATION AND WASTE CO-INCINERATION PLANTS**

### **Article 70**

#### **Scope**

(1) This Chapter shall apply to waste incineration plants and waste co-incineration plants which incinerate or co-incinerate solid or liquid waste.

(2) This Chapter shall not apply to gasification or pyrolysis plants, if the gases resulting from this thermal treatment of waste are purified to such an extent that they are no longer a waste prior to their incineration and they can cause emissions no higher than those resulting from the burning of natural gas.

(3) For the purposes of this Chapter, waste incineration plants and waste co-incineration plants shall include all incineration lines or co-incineration lines, waste reception, storage, on site pretreatment facilities, waste-, fuel- and air-supply systems, boilers, facilities for the treatment of waste gases, on-site facilities for treatment or storage of residues and waste water, stacks, devices and systems for controlling incineration or co-incineration operations, recording and monitoring incineration or co-incineration conditions.

(4) If processes other than oxidation, such as pyrolysis, gasification or plasma process, are applied for the thermal treatment of waste, the waste incineration plant or waste co-incineration plant shall include both the thermal treatment process and the subsequent incineration process.

(5) If waste co-incineration takes place in such a way that the main purpose of the plant is not the generation of energy or production of material products but rather the thermal treatment of waste, the plant shall be regarded as a waste incineration plant.

(6) This Chapter shall not apply to the following plants:

a) Plants treating only the following wastes:

- waste listed in point (b) of point 51 of Article 5;
- radioactive waste;
- animal carcasses;

b) experimental plants used for research, development and testing in order to improve the incineration process and which treat less than 50 tonnes of waste per year.

## Article 71

### Applications for permits

An application for a permit for a waste incineration plant or waste co-incineration plant shall include a description of the measures which are envisaged to guarantee that the following requirements are met:

- (a) the plant is designed, equipped and will be maintained and operated in such a manner that the requirements of this Chapter are met taking into account the categories of waste to be incinerated or co-incinerated;
- (b) the heat generated during the incineration and co-incineration process is recovered as far as practicable through the generation of heat, steam or power;
- (c) the residues will be minimised in their amount and harmfulness and recycled where appropriate;
- (d) the disposal of the residues which cannot be prevented, reduced or recycled will be carried out in conformity with national and Union law.

Transposition of Art. 44 IED RLVEWI Art. 5 to be deleted
-------------------------------------------------------------

## Article 72

### Permit conditions

The permit shall include the following:

- (a) a list of all types of waste which may be treated and containing information on the quantity of each type of waste, where appropriate;
- (b) the total waste incinerating or co-incinerating capacity of the plant;
- (c) the limit values for emissions into air and water;
- (d) the requirements for the pH, temperature and flow of waste water discharges;
- (e) the sampling and measurement procedures and frequencies to be used to comply with the conditions set for emission monitoring;
- (f) the maximum permissible period of any technically unavoidable stoppages, disturbances, or failures of the purification devices or the measurement devices, during which the emissions into the air and the discharges of waste water may exceed the prescribed emission limit values.

In addition to the requirements set out in paragraph 1, the permit granted to a waste incineration plant or waste co-incineration plant using hazardous waste shall include the following:

(a) a list of the quantities of the different categories of hazardous waste which may be treated;

(b) the minimum and maximum mass flows of those hazardous wastes, their lowest and maximum calorific values and their maximum contents of polychlorinated biphenyls, pentachlorophenol, chlorine, fluorine, sulphur, heavy metals and other polluting substances.

Transposition of Art. 45 IED RLVEWI Art. 6 to be deleted
-------------------------------------------------------------

### **Article 73**

#### **Rules for incineration and co-incineration of waste**

The Minister managing the body of the public administration responsible for environmental affairs shall prescribe the minimal technical conditions that need to be fulfilled by the incineration or co-incineration plants, the types of waste intended for incineration or co-incineration, the conditions for protection of the environment from the operations of the incineration or co-incineration plant, the conditions and the manner in which the plant shall operate, the conditions with regard to the technical means and equipment for performing of the activity of waste incineration or co-incineration, as well as the conditions, the manner and the programme for training of the staff.

Taken from Article 94 paragraph 4 and Article 99 paragraph 5 LWM. To be deleted there.
----------------------------------------------------------------------------------------

### **Article 74**

#### **Reporting**

The Minister of environment and physical planning shall made available to the public information on the functioning and monitoring of waste incineration plants or waste co-incineration plants with a nominal capacity of 2 tonnes or more per hour and give account of the running of the incineration or co-incineration process and the level of emissions into air and water in comparison with the emission limit values. A list of waste incineration plants or waste co-incineration plants with a nominal capacity of less than 2 tonnes per hour shall be made available to the public.

Transposition of Art. 55 paragraph 2 and 3 IED
------------------------------------------------

## CHAPTER V

### SPECIAL PROVISIONS FOR INSTALLATIONS AND ACTIVITIES USING ORGANIC SOLVENTS

This chapter fully replaces Chapter V of the RB stat. sources (Art. 26 to Art. 30).

#### **Article 75 (ex. Art. 26 RB stat. Sources)**

##### **Scope**

This chapter shall apply to activities listed in Part 1 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents and, where applicable, reaching the consumption thresholds set out in Part 2 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents.

This provision replaces Art. 26 RB stat. Sources and transposes Art. 56 IED.

#### **Article 76**

##### **Substitution of hazardous substances (ex. Art. 28 (7) of RB stat. Sources)**

Substances or preparations which, because of their content of VOCs are classified as carcinogens, mutagens, or toxic to reproduction, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F, shall be replaced as far as possible by less harmful substances or preparations within the shortest possible time.

Risk phrases have been replaced by hazard statements in the GHS (Globally Harmonized System of Classification and Labelling of Chemicals), which has been adopted in EU through the CLP-Directive (Regulation (EC) No 1272/2008); hazard statements should be used here accordingly.

This provision covers Art. 28 (7) of RB stat. Sources and transposes Art. 58 of IED.

#### **Article 77**

##### **Control of emissions (para. 1: ex Art. 27, 28.1, 28.2 RB stat. Sources; para. 2: ex 28.3 RB stat. Sources; para 3: ex 28.4 RB stat. Sources; para. 4: ex: Art. 28.8 and 28.9 RB stat. Sources; para 5: ex 28.6 RB stat. Sources; para 6: ex 28.12 RB stat. Sources)**

- (1) Each installation should operate in a manner that it complies with one of the following:
- a) The emission of VOC from installations shall not exceed the emission limit values in waste gases - and the fugitive emission limit values, as well as other requirements specified in the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents.
  - b) the requirements of the reduction scheme set out in Part 5 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents provided

that an equivalent emission reduction is achieved compared to that achieved through the application of the emission limit values referred to in point (a).

(2) For fugitive emissions values to installations shall apply as an emission limit value specified in Part 2 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents. However, where it is demonstrated to the satisfaction of the competent authority that for an individual installation this value is not technically and economically feasible, the competent authority can make an exception for such an individual installation provided that significant risks to human health or the environment are not to be expected and that the best available technique is being used;

(3) Activities, which cannot be operated under contained conditions, may be exempted from the VOC emission limit values when this possibility is explicitly mentioned in Part 2 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents. In this case, the competent authority can make an exception for such an individual installation provided that significant risks to human health or the environment are not to be expected and that the best available technique is being used.

(4) The emissions of either volatile organic compounds which are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351, shall be controlled under contained conditions as far as technically and economically feasible to safeguard public health and the environment and shall not exceed the relevant emission limit values set out in Part 2 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents.

(5) Installations where two or more activities are carried out, each of which exceeds the thresholds contained in the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents shall:

(a) as regards the substances specified in paragraph 4, meet the requirements of that paragraph for each activity individually;

(b) as regards all other VOC substances:

(i) meet the requirements of paragraph 1 of this Article for each activity individually; or

(ii) have total emissions not exceeding those that would have resulted had point (i) of this paragraph been applied.

(6) The operator should undertake all appropriate precaution measures, to minimize emissions during start-up and shut-down of installations.

Chapter V of IED is only applicable to installations, which perform the activities according to Annex VII Part 1 AND, where applicable, reach the solvent consumption thresholds according to Annex VII Part 2 of IED. See Article 56 of IED.

Paragraph 1/1a replaces Art. 27 of RB stat. sources, Paragraph (1) transposes Art. 59 (1) of IED. Art. 28 (1) and (2) of RB stat. sources to be deleted

Paragraph 2 replaces Art. 28 (3) of RB stat. sources transposing Art. 59 (2) of IED

Paragraph 3 replaces Art 28 (4) RB stat. sources transposing Article 59 (3) of IED

The last sentence of para. 3 contains the same formulation as the last sentence of para. (2) in order to transpose second part of Article 59 (3) of IED

Paragraph 4 replaces Art. 28 (8) and 28 (9) of RB stat. Sources. Risk phrases should be replaced by hazard statements; emission limit values should be added in Annex (=New VOC Rulebook). Para. 4 transposes Article 59 (5) of IED

Paragraph 5 replaces Art. 28 (6) of RB stat. Sources and transposes Art.59 (6) of IED

Paragraph 6 replaces Art. 28 (12) of RB stat. sources and transposes Art. 59 (7) of IED

## **Article 78**

### **Monitoring of emissions**

Measurements of emissions shall be carried out in accordance with Part 6 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents.

Transposition of Part of Article 60 of IED. Please note full text of IED for further discussion how to implement this in a legally sound way: Member States shall, either by specification in the permit conditions or by general binding rules, ensure that measurements of emissions are carried out in accordance with European regulations which have been transposed in Part 6 of Rulebook containing Special Provisions for Installations and Activities using Organic Solvents.

## **Article 79**

### **Compliance with emission limit values**

The emission limit values in waste gases shall be regarded as being complied with if the conditions set out in Part 8 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents are fulfilled.

This article transposes Art. 61 of the IED.

## **Article 80**

### **Reporting on compliance**

The operator shall supply the competent authority, on request, with data enabling the competent authority to verify compliance with either of the following:

(a) emission limit values in waste gases, fugitive emission limit values and total emission limit values;



(b) the requirements of the reduction scheme under Part 5 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents;

(c) the derogations granted in accordance with Article 77 (2) and (3).

This may include a solvent management plan prepared in accordance with Part 7 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents.

Art. 62 of IED. Suggestion: make solvent management plans compulsory - replace in last sentence "may include" by "includes".

## **Article 81**

### **Substantial change to existing installations**

(1) A change of the maximum mass input of organic solvents by an existing installation averaged over 1 day, where the installation is operated at its design output under conditions other than start-up and shut-down operations and maintenance of equipment, shall be considered as substantial if it leads to an increase of emissions of volatile organic compounds of more than:

(a) 25 % for an installation carrying out either activities which fall within the lower threshold band of items 1, 3, 4, 5, 8, 10, 13, 16 or 17 of the table in Part 2 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents or, activities which fall under one of the other items of Part 2 of the Ordinance on Technical Provisions for Installations and Activities using Organic Solvents, and with a solvent consumption of less than 10 tonnes per year;

(b) 10 % for all other installations.

(2) Where an existing installation undergoes a substantial change, or falls within the scope of this Law for the first time following a substantial change, that part of the installation which undergoes the substantial change shall be treated either as a new installation or as an existing installation, provided that the total emissions of the whole installation do not exceed those that would have resulted had the substantially changed part been treated as a new installation.

(3) In case of a substantial change, the competent authority shall check compliance of the installation with the requirements of this Law.

Art. 6 transposes Art. 63 of the IED

## **Article 82**

### **Access to information**

(1) The decision of the competent authority, including at least a copy of the permit, and any subsequent updates, shall be made available to the public.

(2) The general binding rules applicable for installations and the list of installations subject to permitting and registration shall be made available to the public.

(3) The results of the monitoring of emissions as required under Article 78 and held by the competent authority shall be made available to the public.

Check if this is necessary in this Law or if it is covered by any other national Law on environmental information. Most probably this provision will not have to be contained in this law.

References to articles within the VOC chapter need to be adapted after the final numbering.

Please note also that paras 1 and 2 of this Article shall apply, subject to the restrictions laid down in Article 4 (1) and (2) of Directive 2003/4/EC.

## **Chapter VI**

### **SPECIAL PROVISIONS FOR INSTALLATIONS PRODUCING TITANIUM DIOXIDE**

The following chapter transposes the provisions of the IED covering installations producing titanium dioxide. In agreement with the beneficiary a literal transposition was chosen. Therefore the following Articles (No. 83 – 87) correspond to IED Articles No. 66 – 70. Currently no such installation is operating on the territory of the Republic of Macedonia. It is suggested to transpose Annex VIII of the IED which covers the technical provisions for this type of installations in a separate ordinance or rulebook.

#### **Article 83**

This Chapter shall apply to installations producing titanium dioxide. The Government of the Republic of Macedonia shall specify the technical provisions related to this type of installations.

#### **Article 84**

Member States shall prohibit the disposal of the following waste into any water body, sea or ocean:

- (a) solid waste;
- (b) the mother liquors arising from the filtration phase following hydrolysis of the titanyl sulphate solution from installations applying the sulphate process; including the acid waste associated with such liquors, containing overall more than 0,5 % free sulphuric acid and various heavy metals and including such mother liquors which have been diluted until they contain 0,5 % or less free sulphuric acid;
- (c) waste from installations applying the chloride process containing more than 0,5 % free hydrochloric acid and various heavy metals, including such waste which has been diluted until it contains 0,5 % or less free hydrochloric acid;
- (d) filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralisation) of the waste mentioned under points (b) and (c) and containing various heavy metals, but not including neutralised and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5,5.

### **Article 85**

Emissions from installations into water shall not exceed the emission limit values set out in Part 1 of the Ordinance on Technical Provisions for Installations Producing Titanium Dioxide.

### **Article 86**

(1) The emission of acid droplets from installations shall be prevented.

(2) Emissions into air from installations shall not exceed the emission limit values set out in Part 2 of the Ordinance on Technical Provisions for Installations Producing Titanium Dioxide.

### **Article 87**

(1) Member States shall ensure the monitoring of emissions into water in order to enable the competent authority to verify compliance with the permit conditions and Article 85.

(2) Member States shall ensure the monitoring of emissions into air in order to enable the competent authority to verify compliance with the permit conditions and Article 86. Such monitoring shall include at least monitoring of emissions as set out in Part 3 of the Ordinance on Technical Provisions for Installations Producing Titanium Dioxide.

(3) Monitoring shall be carried out in accordance with CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality.

## **Chapter VII**

### **INSPECTIONS BY THE AUTHORITY**

#### **Article 88**

#### **Environmental Inspections**

Inspections shall be carried out in accordance with the Law for Inspection on Environment.

Official title of the Law for Inspection on Environment to be used.

The current draft Law on Inspections of the Environment transposes all requirements of Art. 23 of the IED.

## **Chapter VIII**

### **LOCAL LEVEL PERMITTING (B-PERMITS)**

The idea was to make the procedure for A-permitting binding also for B-permitting with (at least) the following exceptions or differentiations:

BAT, Public participation, baseline reporting → This will also lead to differences e.g. with regard to e.g. the content of the application, content of permit, timeframes different (faster for B-permits?).

The list of activities requiring B-permits is contained in Annex II of the *Decree for determining the activities of the installations requiring an integrated environmental permit*. This list will remain unchanged with the following exception: Every type of waste incinerator and installations for handling/storage/management of hazardous waste will require an A-integrated permit.

Everything below this article (including this article) is taken from the Law on Environment.

## **Article 89**

### **B Integrated environmental permit**

(1) The operators of new installations with emissions harmful to the environment and human life and health other than those defined in accordance with the regulation based on Article 22, paragraph (1) of this Law shall acquire B integrated environmental permit.

(2) The Government of Republic of Macedonia shall determine the installations requiring B integrated environmental permit.

(3) The Minister managing the body of the state administration responsible for the affairs of the environment shall more precisely prescribe the procedure for issuance, amendment, partial or full transfer of the B integrated environmental permit, the conditions for termination of the activity and the conditions for revocation and cancellation of the permit.

(4) If not otherwise regulated in the present chapter of this Law, the provisions applicable for obtaining A-integrated environmental permit of Chapter II of this Law shall apply accordingly in the procedure for obtaining B-integrated environmental permit.

Para 4: The procedure should be the same as for A-integrated permit, unless otherwise stated in the present chapter.

## **Article 90**

### **Competent bodies for B integrated environmental permits issuance**

(1) The Mayor of the municipality and the Mayor of the City of Skopje shall be the competent body for B integrated environmental permits issuance. In case the installation is located within protected area determined in accordance with the law, the body of the state administration responsible for the affairs of the environment shall be the competent body for B integrated environmental permits issuance.

(2) For the purpose of issuing B integrated environmental permit, the municipalities and the City of Skopje shall have at least one employee in the local administration for each industrial sector existing on their respective territory, with completed higher education in the field of technical sciences.

(3) The municipality and the City of Skopje shall inform the body of the state administration responsible for the affairs of the environment on the fulfillment of the conditions stipulated in paragraph (2) of this Article.

(4) The municipalities may form a joint administration for the purpose of the B integrated environmental permits issuance.

Remains unchanged.

Par.2: This requirement seems unrealistic, change should be considered.

## **Article 91**

### **Application for B environmental permit**

(1) For the purpose of the B integrated environmental permit issuance, the operator shall submit an application to the competent body of the municipality or of the City of Skopje or to the body of the state administration responsible for the affairs of the environment. The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe further details related to the content of the application, as well as the manner of submission of the application referred to in paragraph (1) of this Article and the required documentation to be attached to the application.

(2) The application for a permit shall include:

1. Data about the operator
2. Data about the installation and technical activities
3. Data related to management and control of the installation
4. Data about the raw materials, other substances and energies that are used or generated in the installation
5. Data about liquid and solid wastes and their handling
6. Data about emissions to air.
7. Data about discharges to surface water and drains.
8. Data about the prevention of emissions to soil and ground water.
9. Data about noise and vibrations.
10. Data about the specific location of the points of monitoring and taking samples
11. Measures for the prevention of incidents and for protection in cases of emergency situations.
12. Remediation, decommissioning and restoration after the termination of the activities
13. Improvement programme
14. Non-technical summary
15. Statement for accuracy of data
16. Tables and annexes necessary for the data and findings incorporated in the application.

(3) In addition to the data referred to in paragraph (2) of this article, the operator shall submit valid documentation.

(4) The competent authority may request the operator to add to the application other data that are not included in paragraph (2) of this Article, if such data are necessary for clarification of the data in the application.

This provision was transferred from the Rulebook on the procedure for issuing B integrated environmental permit because it has substantial (not just technical) contents. With regard to para 2. Two proposed elements of the contents of the application were deleted:

Deletion of “Data about the environmental management of agricultural and farming activities” is recommended- it segregating and it is not clear why only those activities should present such information.

Expert advice: The template for the permits as well as the template for the application should be adopted as guidelines. REASONING: The template for the permits as well as the template for the application will be very “alive” documents in the coming years and will undergo a number of amendments, according to the knowledge of the competent authority, its experience, development of the legislation and the feedback from the operators. The legislative process is always relatively slow, compared to the imperative need to have up to date template at all times.

If this suggestion is taken, para (1) of Art. 91 of the Law on Control of Industrial Emissions should be adapted accordingly.

## **Article 92**

### **Handling the application for B integrated environmental permit**

(1) Within **30 days** from the date of receipt of the application referred to in **Article 91**, the competent authority for issuing B-integrated environmental permit shall by a statement determine which data identified in in Article 91 paragraph (2) is missing and needs to be submitted or which other data as referred to in Article 91 paragraph (4) shall be submitted, determining a deadline for the operator to complete the application that shall not be less than 15 days from the date of delivery of this statement, depending of the type and availability of missing data.

(2) In case the applicant fails to act in accordance with the statement referred to in paragraph (1) of this Article, the competent authority for issuing B-integrated environmental permit shall by decision reject the application as incomplete.

(3) In case the competent authority for issuing B-integrated environmental permit has issued the statement for amendment of the application, the period within which the B integrated environmental permit shall be issued starts from the date of submission of the receipt of the amended application supplemented by data specified in the statement referred to in paragraph (1) of this Article.

(4) The applicant has the right to file a complaint against the decision referred to in paragraph (3) of this Article to the State Commission for Deciding in Administrative Procedure and Procedure for Employment at second instance within **15 days** from the date of receipt of the decision.

This suggestion was taken from the Local level Project.

Question to municipalities: Timeframes fine? Experience with the application of this provision?

### **Article 93 Consultation**

(1) The competent authority for issuing B-integrated environmental permit shall within **five working** days submit a copy of the completed application to which it responds to:

- The state administrative body responsible for the affairs of health;
- The state administrative body responsible for the affairs of the environment
- Provider of services for drinking water supply and urban waste water collection responsible for the territory where the installation shall be located.
- The Municipal Environmental Inspectorate.

(2) The bodies referred to in paragraph (1) indents 1, 2, 3 and 4 of this Article shall be entitled to submit their opinions and comments concerning the application and the conditions specified in the Draft B integrated environmental permit.

This suggestion was taken from the Local level Project and adapted to correspond to a large degree to the procedure for A-integrated permits.

### **Article 94 Publication of the application for issuing an B integrated environmental permit**

(1) The competent authority for issuing B-integrated environmental permit shall announce the completed application in at least two daily newspapers available throughout the territory of the Republic of Macedonia, one of which shall be in the language which at least 20% of the citizens who speak an official language other than Macedonian speak, as well as publish on their own Internet website within **seven** days from the day of receipt of completed application. The costs of publication in the daily newspaper shall be borne by the applicant.

(2) The announcement shall include in particular the following data:

- Name, address and contact information of the applicant including the nominated contact person;
- Aim of the application;
- Indication and type of the application for receiving a permit;
- Address and lot number of the installation;
- Short description of the installation;
- Description of the activities carried out through the installation;
- Indication that the application is available on the website of the Municipality, indication of the place, procedure and period in which the public may have a look at the application;

- Method and procedure as to how the public may submit its opinion about the application.

(3) The competent authority for issuing B-integrated environmental permit shall publish the application for issuing “B” integrated environmental permit – except the parts as specified in para 6 below - on its website within seven days from the day of receipt of completed application.

(4) The announcement referred to in Paragraph (1) of this Article shall have a standard form and size, visible for the public.

(5) The competent authority for issuing B-integrated environmental permit shall provide within 15 days in parallel with the announcement of the application, public access to the entire application as provided by the operator, with the exception of confidential information containing business secrets marked as such by the operator, in electronic form via the internet and in hard copy at dedicated locations in the Ministry in charge of Environmental Protection and in the offices of the Municipality where the installation is located. Access shall at least be provided to the public concerned, including citizens’ associations established for the purposes of environment protection.

This suggestion was taken from the Local level Project and adapted to correspond to a large degree to the procedure for A-integrated permits.

### **Article 95**

#### **Refusal to issue the permit**

(1) The competent authority for issuing B-integrated environmental permit shall take a decision to refuse the application, if:

1. Proposed manner of carrying out activities is likely to cause harmful consequences for human life and health and the environment;
2. The application submitted is not in accordance with this or other laws and other regulations adopted on the basis of them, as far as applicable in the B integrated environmental permit procedure;
3. The operator has failed to provide the required data in a manner and within the term determined in the statement referred to in Article 92, paragraph (2) of this Law, or

(2) The operator may appeal against the decision referred to in paragraph (1) of this Article to the State Commission deciding in administrative procedure and employment at second instance within **15 days** from the day of receipt of the decision. The appeal shall not have any effect in terms of postponement of the enforcement of the decision.



This suggestion was taken from the Local level Project and adapted to correspond to a large degree to the procedure for A-integrated permits.

## **Article 96**

### **The content of the B integrated environmental permit**

(1) The B integrated environmental permit shall contain data on the operator and the installation, as well as the requirements that have to be fulfilled by the operator through the operation of the installation, in accordance with the conditions specified in the law and the regulations adopted on the basis of the law.

(2) The permit referred to in paragraph (1) of this Article shall also specify the obligations regarding the monitoring of emissions, emission limit values, the methods and the frequency of measurements.

(3) The contents of the permit shall be in particular:

1. Short description of installation.
2. Work of the installation
3. Documentation
4. Regular Reports
5. Notifications
6. Emissions
7. Transfer to waste water treatment stations for waste water
8. Conditions out of location
9. Improvement programme
10. Contract for changes in written form
11. Additional information

(4) A permit shall be issued only after any other permit required under specific legislation has been given.

(5) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the substances and their emission limit values specified in the B integrated environmental permit, unless those are specified in the special law.

This provision was transferred from the Ordinance on B-IPPC permits (former Art. 6).

## Article 97

### Issuance of the B integrated environmental permit

- (1) When the competent body referred to in Article 90, paragraph (1) of this Law determines that the impact of the installation on the environment is within the prescribed limits and values on the basis of the complete application, it shall issue a decision granting the B integrated environmental permit within 60 days from the date of receipt of the application specified in Article 91 of the present law.
- (2) The operator of the installation shall have the right to file an appeal related to the decision issued by the Mayor of the municipality and the Mayor of the City of Skopje to the State Commission deciding in administrative procedure and employment at second instance, within 15 days from the date of the decision issuance.
- (3) The appeal against the decision referred to in paragraph (2) of this Article may be lodged by legal and natural persons concerned, as well as citizens' associations founded for the purposes of environment protection and improvement, to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the day of the decision.
- (4) The Mayor of the municipality and the Mayor of the City of Skopje shall establish and maintain Municipal Register of B integrated environmental permits for their respective areas and shall submit an electronic copy thereof to the body of the state administration responsible for the affairs of the environment.
- (5) The body of the state administration responsible for the affairs of the environment shall establish and maintain Register of issued B integrated environmental permits.
- (6) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe the form, the content and the manner of managing the Register referred to in paragraphs (4) and (5) of this Article, as well as the manner of submission of data for entry into the Register.
- (7) When the installation is required to obtain other permits prior to the B integrated environmental permit, related to natural resources use and exploitation, or permits for releases into the environment, the body holding competence for B integrated environmental permit issuance referred to in Article 90 paragraph (1) of this Law, shall not issue the permit unless the operator provides the required permits. The conditions and the measures specified in other permits shall be accordingly taken into account in the B integrated environmental permit.
- (8) The competent authority for issuing B-integrated environmental permit that has issued B-integrated environmental permit shall review the conditions set in the permit in every case of amendments of the environmental legislation that may affect the operation of the installation or at the request by the operator. In any case, the competent authority for issuing B-integrated environmental permit shall review the conditions set in the permit every seven years from the date of issuance of the B-integrated environmental permit.

Para. 1: Duration of 60 days remains unchanged?

Para. 4, 5 and 6: The provisions on this register are contained in the Ordinance on the procedure for issuing B integrated environmental permit. In this context changes proposed by the Local level project were taken into account.

Para 7: Will those prerequisite permits be still in effect after the granting of the B permit? If the B permit covers the substance of the prerequisite permits/permissions, than its granting should automatically repeal the prerequisites. Otherwise it would be an administrative mess.

Para. 8: 7-year review should stay? This suggestion was taken from the Local level Project and adapted to correspond to a large degree to the procedure for A-integrated permits (request possibility for operator added).

## **Article 98**

### **Fulfilment of requirements**

(1) The competent body shall not issue the permit for use of the installation requiring acquisition of B integrated environmental permit unless the operator submits the B integrated environmental permit thereto.

(2) The fulfillment of the requirements defined in the B integrated environmental permit shall be established by the competent body referred to in Article 91 paragraph (1) of this Law through site-visit in the installation and its operation, upon which it shall issue a conclusion.

(3) The operator of the installation shall have the right to file an appeal against the decision referred to in paragraph (2) of this Article issued by the competent authority to the State Commission deciding in administrative procedure and employment at second instance, within 15 days from the date of the decision issuance.

(4) The Minister managing the body of the state administration responsible for the affairs of the environment shall prescribe more precisely the manner and the procedure of carrying out the site-visit referred to in paragraph (2) of this Article.

Para 1: Maybe this provision should be included in the part for A-permits as well?

Para. 4: Checklists for site-visits produced in the project could be the basis for the by-law. Maybe it would be better to have guidelines instead of a rulebook.

## **Article 99**

### **Reconsideration of the B integrated environmental permit ex officio**

(1) The B integrated environmental permit may be amended ex officio.

(2) The competent body referred to in Article 90, paragraph (1) of this Law shall reconsider the B integrated environmental permit ex officio in the following cases:

- the safety in the operation of the installation requires implementation of different technologies;
- the environmental pollution has increased to such levels that cause harmful consequences on human life and health and on the environment, thus requiring changes in the emission limit values i.e. the conditions specified in the permit for the purpose of compliance with the environmental quality standards;
- changes have occurred in the regulations on environmental protection that may have an impact on the operation of the installation; or

(3) As a consequence of the reconsideration the competent body referred to in Article 90, paragraph (1) of this Law shall make a decision on amendment of the B integrated environmental permit.

(4) The operator has a right to lodge an appeal to the State Commission deciding in administrative procedure and employment at second instance **within 15 days** from the delivery of the decision referred to in paragraph (3) of this Article.

(5) The competent body referred to in Article 90, paragraph (1) of this Law shall determine the period within which the operator shall bring the operation of the installation in compliance with the requirements contained in the amended B integrated environmental permit.

(6) The amendment of the B integrated environmental permit or of the conditions in the B integrated environmental permit shall be carried out in accordance with the procedure for issuance of a new B integrated environmental permit.

This provision mirrors the provision for reconsideration of the A-integrated environmental permit. The references to BAT and BAT conclusions have been deleted.  
Replaces Art. 10 of the Ordinance on the procedure for issuing B integrated environmental permit.

## **Article 100**

### **Reconsideration of the B integrated environmental permit at request of the permit holder**

(1) The notification referred to in the third case of Article 105, par 1 of this Law shall contain details on the scope and manner of planned changes in the operation of the installation conducting and on changes in the environmental impact as well as available monitoring data. In the notification the operator shall also express his reasoned standpoint whether the change represents a substantial change in the sense of para 3 below or not.

(2) When the competent body referred to in Article 90, paragraph (1) of this Law determines that the execution of the planned change in the operation of the installation is not a substantial change, it shall reconsider and consequently amend the B integrated environmental permit without requiring an application as defined in Art 91 of this law.

(3) The competent body referred to in Article 90, paragraph (1) of this Law shall determine within one month if the change referred to in paragraph (1) of this Article is a substantial change taking into account the following criteria:

a) Any change in the nature or functioning or an extension of an installation shall be deemed to be substantial if the change or extension of an installation in itself reaches the capacity thresholds set out in the ordinance mentioned in Article 22 par 1;

b) There is an impact on an additional component of the environment (i.e. an additional environmental medium is affected);

c) There are changes of the parameters of the emission or manner of their release (including changes of the location or parameters of the emitting devices or points of discharge) or there is an increase of the emitted substances by type or quantity, which lead to:

- increasing the number of people affected by the emission of harmful substances;
- increasing the type and/or amount of the emissions into air or water to the already affected population;
- an impact on an additional water body.

(4) If there are changes/increases under the first and second case of par 3 c of this Article, the competent body referred to in Article 90, paragraph (1) of this Law shall decide if the operator has to provide mathematical modelling of the emissions into the air before and after implementing the change to the concentrations of pollutants in the ground layer of the atmosphere.

(5) When the competent body referred to in Article 90, paragraph (1) of this Law determines, based on the documents of the operator, that the change referred to in par 1 of this Article is a substantial change, it shall require from the operator to submit the application with the elements laid down in Article 91, par 2 of this Law. The application for a permit shall cover those parts of the installation and those details which may be affected by the substantial change.

(6) The competent body referred to in Article 90, paragraph (1) of this Law shall grant the new B integrated environmental permit based on the application under paragraph 5. The B integrated environmental permit shall cover all parts of installation no matter if they may be affected by the substantial change or not.

(7) The amendment of the B integrated environmental permit or of the conditions in the B integrated environmental permit shall be carried out in accordance with the procedure for issuance of a new B integrated environmental permit.

This provision mirrors the provision for reconsideration of the A-integrated environmental permit.

Para. 4: Less burden for the operator to be considered.

Replaces Art. 10 of the Ordinance on the procedure for issuing B integrated environmental permit.

## **Article 101**

### **Transfer of the B integrated environmental permit**

(1) The competent body referred to in Article 90, paragraph (1) of this Law may transfer the whole or a part of the A integrated environmental permit to a new operator.

(2) In case of a change of the operator for installations which are subject to a B integrated environmental permit the new operator is obliged within 14 days to notify competent body referred to in Article 90, paragraph (1) of this Law and provide evidence for the change.

(3) The competent body referred to in Article 90, paragraph (1) of this Law shall transfer the complete B integrated environmental permit by granting a new permit to the new operator within 30 days after receipt of the notification under par. 2 of this Article.

(4) In case of change of the operator of a part of an installations which is subject to an B integrated environmental permit the operator shall submit information and visual evidence indicating precisely the part of the installation which is subject to the transfer to another operator to competent body referred to in Article 90, paragraph (1) of this Law.

(5) The competent body referred to in Article 90, paragraph (1) of this Law shall transfer the concerned part of the B-integrated permit by granting a new B integrated environmental permit to the new operator.

(6) The competent body referred to in Article 90, paragraph (1) of this Law shall amend the B integrated environmental permit of the operator by dropping from its scope the installations falling under paragraph 5 of this Article after the decision for granting the permit under paragraph 5 of this Article enters into force.

This article replaces Art. 11 of the Ordinance on the procedure for issuing B integrated environmental permit.

### **Article 102**

#### **Conditions for Termination of the permit activity**

(1) The operator shall terminate the activity in the installation in accordance with the conditions specified in the B-integrated permit.

(2) For the intention of termination of the permit activities, the operator shall inform the competent authority and shall take the measures specified in the plan for the termination of activities and closure of the installation with time table.

(3) If the operator does not take the necessary measures to terminate the activities according to the plan for termination, the competent authority may carry out the necessary measures at the expense of the operator.

This provision was taken from the outputs of the local level project and replaces Article 13 of the Ordinance on the procedure for issuing B integrated environmental permit.

In contrast to the termination of activities for A permits, there is for instance no baseline reporting necessary here, thus there is less burden on the operator.

### **Article 103**

### **Suspension or revocation of the B integrated environmental permit**

(1) The competent body referred to in Article 90, paragraph (1) of this Law shall pass a decision on suspension of the whole or parts of the installation or of revocation of a B integrated environmental permit if:

- a) the environmental pollution has increased to levels which cause serious harmful consequences on human life and health and on the environment;
- b) the operator has committed more than two violations of the mandatory conditions defined in the B integrated environmental permit, as determined in the enforceable decisions issued by the State Inspectorate of Environment;
- c) the operator has made changes to the installation without prior informing the competent body referred to in Article 90, paragraph (1) of this Law and having obtained a respective permit if necessary; or;
- d) the operator has failed to carry out the whole or parts of the activities described in the B integrated environmental permit within five years from the issuing of the B integrated environmental permit;

(2) The competent body referred to in Article 90, paragraph (1) of this Law shall immediately notify the operator holding the B integrated environmental permit, as well as other competent bodies, on the initiation of the procedure for revocation of the B integrated environmental permit as well as on the reasons for making such decision.

(3) The operator may file an appeal against the decision referred to in paragraph (1) of this Article to the State Commission deciding in administrative procedure and employment at second instance within 15 days from the date of submission of the decision. This appeal shall have no suspensive effect.

(4) The A – integrated environmental permit shall terminate if:

- a) the period of validity of the permit expires;
- b) the operator has given up the rights determined by the permit and the permit has not been transferred in accordance with Art. 101 of this Law;
- c) the permit was revoked in conformity with paragraph (1) of this article.

(5) The competent authority referred to in Article 90 paragraph (1) of this law shall record the termination of the permit in the Register of B-integrated environmental permit.

(6) Article 102 shall apply accordingly to the termination of the B –integration environmental permit.

(7) The holder of the B integrated environmental permit shall have no right to compensation for the damage suffered by the revocation or suspension of the B integrated environmental permit.

This article replaces Art. 14 of the Ordinance on the procedure for issuing B integrated environmental permit.

## Article 104

### Environmental impact assessment

Installations which are subject to a mandatory Environmental Impact Assessment may obtain the B integrated environmental permit only upon prior positive decision granting consent to the project implementation, made in accordance with Article 87 paragraph (1) of the Law on Environment or decision for approval of elaborate in accordance with Article 24 of the Law on Environment.

This suggestion was taken from the Local level Project and adapted to correspond to a large degree to the procedure for A-integrated permits. References to the Law on Environment probably need to be corrected before entry into force of the present law.

## Article 105

### Obligation for reporting of the operator holding a B integrated environmental permit

(1) The holder of the B integrated environmental permit shall report to the competent authority for issuing B-integrated environmental permit and to the body of the state administration responsible for the affairs of the environment as follows:

- regularly, on the results of the monitoring carried out in accordance with the mandatory conditions of the B integrated environmental permit;
- immediately, on any defect, incident and/or major accident that have or could have significant impact on human health, environment or property;
- on any change in the operation of the installation that may have an impact on human health, environment or property;
- on any planned replacement of the persons with special authorizations with regard to the B integrated environmental permit that manage the installation.

(2) The holder of the B integrated environmental permit shall comply with all conditions contained in the permit. ~~while using and managing the installation~~

This suggestion was taken from the Local level Project and adapted to correspond to a large degree to the procedure for A-integrated permits. Paragraphs 2 and 3 were added.

Para. 3: deleted because it might burden small operators too much.

## Article 106

### Charges

(1) The operators of the installations shall pay charges:

- when submitting application to acquire the B integrated environmental permit,
- when submitting application for amendment or transfer of the B integrated environmental permit;



- for holding of the B integrated environmental permit, payable annually; and
- regular supervision of the installation in accordance with the conditions of the B integrated environmental permit.

(2) The Government of the Republic of Macedonia at the proposal of the body of the state administration responsible for the affairs of the environment, shall prescribe the level of the charges to be paid by the operators referred to in paragraph (1) of this Article.

(3) The determination of the level of the charges referred to in paragraph (2) of this Article shall be done on the basis of the number of points of the installation from which emissions are released from the installation, the number of mandatory conditions and measures specified in the permit, the type and the scale of emissions into the environment, as well as on the basis of the area covered by the installation. The level of the compensation specified for each industrial sector separately, shall not be lower than 300 denars or more than 3000 denars per number, type, scale and area per hectare.

(4) The funds generated through the charges referred to in paragraph (1) of this Article shall be paid to a special budgetary account as revenues of the budget of the municipality and as revenues of the Budget of the City of Skopje and shall be used for covering the costs for B integrated environmental permit issuance, transferring or amending and control over the B integrated environmental permit.

(5) The funds generated through the charges referred to in paragraph (1) of this Article shall be paid to a special budgetary account as revenues of the budget of the body of the state administration responsible for the affairs of the environment and shall be used for covering the costs for B integrated environmental permit issuance, transferring or amending, as well as control over B integrated environmental permit within protected area.

Question: Satisfaction with the application of this article? Any suggestions for improvement?
-----------------------------------------------------------------------------------------------